



Pierce County Force Investigation Team **Standard Operating Procedures and Guidelines**

The purpose of this document is to provide protocols for multijurisdictional investigations of officer involved deadly force incidents as required by the Law Enforcement Training and Community Safety Act (LETSCA) and agreed to by the signatory law enforcement agencies in the Pierce County Force Investigation Team (PCFIT) Memorandum of Understanding. The roles delineated in these protocols for Team Commander, Lead Investigator, and Investigator are intended to reflect responsibilities during the investigation, not necessarily their assigned rank within their respective agencies. Agencies assigning members to the PCFIT may assign Sergeants, Officers, Detectives, etc. Their roles within the investigation will be determined by the Team Commander(s) irrespective of their rank.

The following SOP's are in accordance with established guidelines developed for the PCFIT. Nothing presented is intended to be considered your agency policy unless specifically adopted. In any conflict between agency policy and/or CBA, the agency specific policy and/or CBA will prevail unless specifically otherwise authorized by agency command.

PCFIT Standard Operating Procedures and Guidelines

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SECTION 1. ACTIVATION/METHOD OF NOTIFICATION

- The agency which employs or supervises the officer(s) who used deadly force resulting in substantial bodily harm, great bodily harm, or death, shall request the use of the PCFIT through SS911 utilizing their own established procedures.
- SS911 shall contact the PCFIT Commander(s) identified on the PCFIT phone contact list that will be made available to SS911.
- The PCFIT Commander will initiate established team callout procedures utilizing the Everbridge notification system with the assistance of SS911. Callout groups will be established to prevent investigators from the involved agency from responding. Investigators or crime scene processors shall not be from the involved agency.
- Team member contact information will be made available to all team members in the event special notifications need to be made through direct contact.
- Either a PCFIT Commander, or a Lead Investigator will determine team member roles and responsibilities once the team has arrived collectively at the scene.

SECTION 2. INVOLVED AGENCIES RESPONSIBILITIES

- The involved agency will immediately secure the crime scene(s). This responsibility includes preservation of the integrity of the scene(s), controlling access to the scene(s), and the identification and separation of witnesses. Use of allied agency resources may be necessary to accomplish this task.
- Public Safety Statements should be taken with consideration of the Involved Agency’s policies, procedures and documents. Normally, these statements will be asked by the involved agency prior to PCFIT arrival. Information received from the statements will be relayed to the investigative team. The public safety statement may include:
 - Any outstanding suspects
 - Location of evidence
 - Location of potentially injured people
 - Any general public safety concerns

- Involved officers and witness officers should be separated and transported to their respective police headquarters for forensic processing and possible interviews.
- Depending on where the incident occurs and what resources are available for use at the transport location, the PCFIT Commander and/or Lead Investigator reserve the option of relocating the officers to a secondary location that is more conducive to investigative needs.
- Involved officers' vehicles should remain on-scene whether inside the formal crime scene or not. PCFIT personnel will determine upon arrival on-scene whether any vehicle can be removed.
- The keys to all vehicles remaining on scene will be left at the scene to facilitate the documenting of the vehicles as well as their removal at the appropriate time.
- A Sergeant or designee from the involved agency will provide responding members of the PCFIT with a detailed briefing of events preceding the team activation.
- Details provided during the briefing should include the following information:
 - Full and complete case number (PCFIT Commander(s) or Lead Investigator will make a final determination as to whether or not an additional case number is to be requested for the UOF investigation).
 - Time of call and relevant details related to the call. This includes initial info provided by SS911, involved officers, what course of action officers took when arriving on scene, location of known evidence, etc.
 - Full names and DOB of involved people if known by patrol to include witnesses.
 - Exact location of witnesses.
 - Name of hospital in which victims or suspects have been transported to.
 - Any other information available at the time relevant to the call.
- The venue agency shall make facilities and equipment available as needed by the PCFIT.
- The involved agency shall provide a command-level liaison and make appropriate department personnel available.
- Special Considerations
 - Union Representation- Each involved agency will be responsible for notifying their respective labor groups of a deadly force incident involving one or more of their members following their already established policy.
 - Peer Support- Each involved agency will be responsible for notifying their respective peer support personnel following their already established policy.
 - Firearms - The involved officer(s) will normally retain their weapons until they are secured under the direction of the PCFIT investigative team subsequent to forensic processing. The weapon will be documented and collected by the Crime Scene investigator as part of the crime scene investigation itself.

- Firearm Replacement – Involved agencies will be responsible for providing a replacement weapon if necessary, to their own involved members.
- In cases where an officer is injured, involved agencies will follow their already established policies relating to response to the hospital, emergency notifications, etc. The involved agency will ensure that any clothing or evidence (including the officer’s weapon) is secured at the hospital for documentation and/or collection by PCFIT personnel.

SECTION 3. LEAD INVESTIGATORS

- There will be at least two Lead Investigators from different departments. The Lead Investigators will be qualified senior investigators with experience in criminal investigations. The Lead Investigators will be nominated by a member agency and selected by the PCFIT Executive Board.
- The Lead Investigators must have strong leadership and organizational skills.
- The Lead Investigator may be tasked with assuming command of the scene in the absence of the PCFIT Commander and should have a working knowledge of the Incident Command System (ICS).
- The roles and responsibilities of the Lead Investigator may fluctuate depending on the demands of the investigation.

SECTION 4. INVESTIGATORS

- Investigators will be experienced officers with a background in criminal investigations and be adept at working with multiple agencies.
- The Investigators will be selected by the PCFIT Commanders with the permission of the investigators agency’s chief executive or designee and in accordance with mandates established through LETSCA.
- Each investigator will be assigned specific roles after the initial briefing provided by the involved agency utilizing best known practices for a complete and comprehensive investigation. Depending on the personnel responding to investigate, those roles may be assigned by either the PCFIT Commander or Lead Investigator. Those roles include, but are not limited to, the following assignments:
 - Lead Investigator plus Co-Lead (Two investigators)
 - Crime Scene plus Assistant Crime Scene (Two investigators)
 - Area Canvass plus Assistant Area Canvass (Two investigators)
 - Officer and Witness Interviews (Three investigators)
 - Crime Scene Log (One investigator)
 - Family Liaison (One investigator)

SECTION 5. EMPLOYEE RIGHTS/OFFICER INTERVIEWS

- Law enforcement employees have the same rights and privileges regarding criminal interviews that any other citizen would have, including the right to remain silent, the right to consult with an attorney prior to an interview, and the right to have an attorney present during the interview.
- Witness officers will be requested to either provide a written report or recorded interview as deemed appropriate by the Lead Investigator.
- The Prosecutor's Investigators will have the option to participate in whatever interviews they choose.
- Statements from the involved officer(s) usually occur in the days following the incident.
- Statements from the involved officer(s) using force must be completely voluntary. Under no circumstances are investigators to take a compelled statement from the involved officer(s).
- Dates and times of the involved officer(s) interviews will be scheduled through either the PCFIT Commander, Team Sergeant, and/or Lead Investigator in consultation with the involved officer(s) legal representative.
- Interviews will be scheduled at a location chosen by investigators conducting the interviews.
- All officer and witness interviews will be recorded and transcribed at the expense of the agency in which the interviewing investigator is a member of.
- If interviews are recorded on systems such as Case Cracker or similar, the PCFIT Commander and/or Lead Investigator will make certain copies of all interviews are retained on digital storage devices as opposed to a system server or computer network. The purpose of such is to establish a firewall in order to prevent agencies that house such recording systems from accessing content of the interviews themselves.

SECTION 6. CRIME SCENE

- Strict adherence to crime scene preservation shall be maintained at all times. Access to the crime scene shall be limited.
- Special consideration for access to the crime scene should come with considerable explanation and justification.
- Only individuals with a need to enter the crime scene shall be allowed to do so. Examples of such people may include:
 - Investigators assigned as Leads
 - Investigators assigned to the crime scene itself
 - Forensics personnel

- Members of the PC Prosecutor’s Office Investigative Services Unit
 - Medical Examiner Personnel
- In addition, member agencies that have internal policies requiring their Internal Affairs Unit or equivalent to respond to deadly UOF incidents shall be granted access to the crime scene for a walk through if requested.
- Currently, member agencies from Tacoma PD and WSP have policies requiring their Internal Affairs personnel to respond to OIS incidents.

SECTION 7. PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS

- Prior to final relinquishment of the scene, the PCFIT Commander, Lead Investigator, and investigators assigned to the crime scene will confer to determine if the collection of evidence is complete.
- Evidence Storage: All evidence shall be stored at a non-involved agency property room as designated by the PCFIT Commander and/or Lead Investigator. The PCFIT Commander shall coordinate with the member agency’s chief executive or designee to ensure compliance with that agency’s policies and procedures. The involved agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.
- Evidence Retention: Evidence shall remain in the custody of the designated, non-involved agency property room until the Pierce County Prosecutor has reviewed the case and made a charging determination or has authorized the release of evidence.
 - If no charges are filed, all evidence will be transferred to the involved agency’s property room.
 - If charges are filed, all evidence will remain in the custody of the designated, non-involved agency property room until the completion of the criminal prosecution. Once the criminal prosecution is completed all evidence will be transferred to the involved agency’s property room.
- Special Considerations
 - Member agencies having the capability to assist PCFIT Investigators in the documentation of the scene(s) and to assist in the collection, preservation, and analysis of physical evidence may do so providing they possess the requisite training and experience.
 - Currently, member agencies including the Washington State Patrol, Tacoma Police Department, Pierce County Sheriff’s Department, Lakewood Police Department, and Puyallup Police Department have Forensic Technicians qualified to process a scene. Requests for Forensic services shall be made through the PCFIT Commander through the entire PCFIT chain of command.

SECTION 8. PROSECUTOR PROTOCOL

- The PCFIT Commander and Lead Investigator will ensure adherence to the Pierce County Prosecutor's Officer Involved Fatal Incident Protocol to include notification to the Prosecutor's Office Investigative Services Unit. Questions regarding the Prosecutor's protocol or legal questions related to the investigation should be referred to the Pierce County Prosecuting Attorney's Office.
- The Prosecutor's Investigators will have the option to participate in whatever interviews they choose.

SECTION 9. CASE FILES

- All original reports, statements and other documentation related to the investigation will be electronically filed with SS911.
- Access to the electronic case files will be restricted to personnel conducting the investigation.
- Under no circumstances will reports or other case material be disseminated without the written consent of a PCFIT Commander.
- The complete investigation will be sent to the Pierce County Prosecuting Attorney's Office for review in accordance with the PCPAO guidelines.
- Once the investigation is complete, the involved agency will be granted access to the case files to conduct their administrative investigation.

SECTION 10. REPORT WRITING

- All individuals participating in the criminal investigation will write reports documenting their participation.
- The Investigators will allocate and divide among themselves the responsibility for documenting interviews and observations.

SECTION 11. MEDIA RELATIONS

- PCFIT: Once the PCFIT has initiated an investigation, all media releases related to the investigation shall be made by the PCFIT Public Information Officer (designated by the PCFIT Commander) after consultation with the involved agency's chief executive or designee. The PCFIT may release information

typically on the day of the incident, a weekly press release, and then a release when the complete investigation has been sent to the Prosecutor.

- **THE INVOLVED AGENCY:** The involved agency's Public Information Officer ("PIO"), or other official designee, will release information in coordination with PCFIT supervisors. It shall be the responsibility of the involved agency to determine when the involved officer's name will be released to the public, pursuant to their policies and procedures.
- Neither the involved agency nor the PCFIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and the release of such information is required by the Public Records Act or other applicable laws.

SECTION 12. INVESTIGATIVE PRIORITY

- The criminal investigation has investigative priority over the administrative investigation, and it begins immediately after an incident has occurred.

SECTION 13. INVESTIGATIVE GOALS

- The goal of the investigation is to develop all available relevant information about the incident. When the investigation is completed, including all forensic testing, toxicology report and autopsy reports, the case will be submitted to the County Prosecutor. The County Prosecutor will make a final determination as to whether the use of deadly force satisfies the statutory "good faith" standard, and on the presence or absence of criminal culpability on the part of the officers involved in the incident.
- No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the designated command level liaison of the involved agency about the progress of the investigation.
- If the chief or sheriff of the involved agency requests that the PCFIT release the body cam video or other investigation information of urgent public interest, the PCFIT commander should honor the request with the agreement of the prosecutor.
- The investigation may incidentally provide factual information to the involved agency's management for its internal use. While the Criminal Investigators do not direct their investigative attention to administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

SECTION 14. INVESTIGATIVE REQUIREMENTS

- The investigation is required to follow the rules of law, which apply to all criminal proceedings; these include constitutional, statutory and case law. Investigators will maintain the integrity of the investigation by following the rules of evidence throughout the investigation.
- The investigation will be performed in a manner that provides a thorough, fair, complete and professional investigation, free of conflicts of interest.

SECTION 15. COMMAND STAFF BRIEFING

- The purpose of this briefing is to advise the Command Staff from the involved agency the status of the incident and to determine what information is appropriate for media releases.
- In addition to the Command Staff from the involved agency, the attendees to this meeting typically will consist of the PCFIT Commander and/or the Lead Investigator.
- A Command Staff briefing will occur at the earliest convenience once relevant facts have been gathered to present an informed investigative assessment as to what occurred.

SECTION 16. VEHICLE INCIDENTS

- When requested, the PCFIT will investigate incidents in which the use of a vehicle is an intentional use of force that causes substantial bodily harm, great bodily harm, or death.
- In these investigations, the PCFIT may utilize experienced Collision Reconstructionist and other appropriate resources deemed necessary to the investigation.
- This section is not to imply that the PCFIT will be activated in a police officer involved collision causing great bodily harm or death where the collision was not a result of an intentional use of force.

SECTION 17. TRAINING

- Member agencies will strive to ensure that personnel assigned to PCFIT either have or will complete classes in the following core areas:
 - Criminal Investigations
 - Crime Scene Investigations
 - Basic Homicide Investigations
 - Interview and Interrogation
 - Officer Involved Shooting Investigations
 - LETCSA Violence De-escalation and Mental health training

- Assigned personnel are expected to complete all the core classes within two years of being assigned.

- In addition, member agencies are encouraged to provide their investigators with advanced training courses. These courses may include the following areas:
 - Advanced homicide investigation
 - Blood stain pattern analysis
 - Crime scene photography/videography
 - And any other classes relevant to their assignment with the PCFIT

- Annual training as required by the LETSCA will be planned and coordinated by PCFIT Commanders.

SECTION 18. FORENSIC PROCESSING OF INVOLVED OFFICERS

- All officers directly involved in the use of deadly force will be processed by Forensic personnel in the following manner:
 - Photographs of the involved officer(s) will be 360 degrees (all four sides) with close ups of the duty belt, firearm in the holster, magazine pouch, the location of magazines, and location of any back up weapons.
 - All weapons will then be turned over to designated PCFIT investigative personnel to be downloaded and photographed.
 - Rounds from each magazine should stay with that magazine and the magazine removed from the weapon should remain with the weapon.
 - Non-involved weapons will be returned to the officers while weapons used in the use of force application will be retained as evidence.

SECTION 19. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES

- A minimum of two non-law enforcement community representatives will be assigned to each PCFIT investigative response. The PCFIT Commander or designee will make certain the community representatives review conflict of interest statements submitted within 72 hours of the PCFIT's initial activation.
- Community representatives will be provided a copy of all press releases and communication to the media prior to release.
- Community representatives will have access to the investigative file when it is completed.

SECTION 20. SPECIALIZED EQUIPMENT

- Specialized equipment belonging to the involved agency may not be used by the PCFIT unless: 1 – No reasonable alternative exists; 2 – the equipment is critical to carrying out the independent investigation; 3 – the use is approved by the PCFIT commander or designee.
- If the equipment is used, the non-law enforcement community representatives on the PCFIT must be notified about: 1 – why it needs to be used; and 2 – the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment.

SECTION 21. INFORMATION SHARING

- No information about an ongoing PCFIT investigation will be shared with any member of the involved agency. The exception to that will be limited briefings given to a Chief or Sheriff of the involved agency so that they can manage the internal administrative investigation and communicate with their community about the progress of the investigation itself.
- If the chief or sheriff of the involved agency requests that the PCFIT release body cam video or other information of urgent public interest, the PCFIT Commander or designee should honor the request with the agreement of the prosecutor of jurisdiction.
- The PCFIT Commander or designee will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

SECTION 22. FAMILY LIAISON

- 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 PCFIT, whichever is faster.
- A member of the PCFIT will be assigned as a family liaison within the first 24 hours and keep the family (or a representative of the family's choice) apprised of all significant developments in the investigation. In addition, they will give the family and the involved agency advance notice of all scheduled press releases.

SECTION 23. TRIBAL MEMBERS

- If the person against whom deadly force is used is a member of a federally recognized tribe (or is believed to be), the involved agency will notify the governor's office of Indian Affairs (GOIA) in accordance with RCW 10.114.021. A member of the PCFIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.

SECTION 24. ADMINISTRATIVE INVESTIGATION/FIREWALLS

- To allow the involved agency to move forward with an administrative investigation in a timely fashion, the independent investigation by the PCFIT must be conducted in a manner that does not inhibit the involved agency from doing so.
- The PCFIT Commander or designee must create and reinforce firewalls, which is a process to prevent information sharing between the PCFIT and the involved agency, and train team members to observe them to ensure that no member of the PCFIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.
- The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the PCFIT.
- If any member of the PCFIT receives prohibited information, the investigator receiving the information must immediately report it to their supervisor and the member must discontinue participation in the investigation.
- The information will be removed and/or isolated from the remaining investigation unless the prosecutor of jurisdiction deems such action unnecessary.

SECTION 25. BASIC INTERVIEW INFORMATION

Lead In

This is Detective _____, ID number _____. The purpose of this interview is to record a statement from "Named Agency Police Officer" _____ regarding case number _____ which is an Officer Involved Shooting that occurred on _____ at approximately _____ hours.

Today's date is _____ and the time is _____ hours. The location of the interview is _____. In addition to Officer _____ and myself, also present for this interview is Attorney _____ from _____, Investigator _____ from the Pierce County Prosecutor's Office and Investigator _____ from agency _____.

Is it everyone's understanding that this interview is being recorded and is it being recorded with permission?

Initial Questions

Who are you currently employed with?

How long have you been with the _____ police agency?

Do you have any prior LE experience?

What is your current duty assignment?

Have you had any assignments outside of patrol?

Do you have any specialized training?

What was your assignment on the date of incident?

What was your start time?

Where you working a 1 or 2 officer car? Call sign? Partner's name?

Were you riding or driving officer?

What vehicle were you in? Describe (marked, light bar, etc.).

What was your uniform that day? Describe (police uniform, shoulder patches, badge, name tag, etc.).

What was your duty weapon that day? Weapon capacity? Fully loaded?

How many extra magazines did you have? Capacity? Fully loaded?

Do you carry a backup weapon? Utilized?

Did you have any other weapons within your control? Utilized?

Narrative portion of the interview.....

Any other questions from those present?

Ending

Is there anything else you would like to add to this statement?

Is everything you've told us true and correct to the best of your knowledge?

The time is now _____ hours and that will conclude this interview.

-SECTION 26. INVESTIGATIVE FOLLOW UP

- Attend autopsy @ Medical Examiner's Office
- Obtain 911 and car to care exchanges from SS911 dispatch
- Processing of all appropriate evidence collected by forensics personnel
- Ballistic analysis of all involved firearms, bullets and casings by WSP Crime Lab
- Involved Officer Interviews with Union Attorney and Prosecutor's Investigators present
- Follow up interviews as needed
- Timely information sharing with the Prosecutor's Investigators
- Build-a-book
- Development of PowerPoint presentation to involved agency and PCFIT Command
- Final report showing case clearance