

For the Mayor/Deputy Mayor meeting. Thanks.

Debbie Tarry

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Pronouns – she/her

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From: Ledford, Shawn <Shawn.Ledford@kingcounty.gov>

Sent: Monday, June 29, 2020 1:38 PM

To: Debbie Tarry <dtarry@shorelinewa.gov>

Cc: John Norris <jnorris@shorelinewa.gov>; Jim Hammond <jhammond@shorelinewa.gov>

Subject: [EXTERNAL] I-940 non-police representative

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Hi Debbie,

I took this from a WASPC update that the Director Steve Strachan puts out to the chiefs. WASPC and the WSCJTC (academy) continue to try and make sure that law enforcement is in compliance with I-940. It will take some time, because it needs to be interpreted correctly and there are operational changes that become complicated when an outside agency (Independent Investigation Team, IIT) comes in to do a major investigation – officer involved shooting.

Part of I-940 is identifying non-law enforcement community representatives. *The non-law enforcement community representatives is a vital link between the IIT, the community, and the investigation. They participate in the vetting, interviewing, and selection of IIT investigators; review conflict of interest statements; are present at briefings for the involved agency's chief or sheriff; have access to the completed investigation file; review all proposed media press releases; and review any notification of specialized equipment use [WAC 139-12-030(2)(b)].*

There have been questions about Shoreline's (KCSO) policy, police oversight (OLEO), community trust and other concerns related to use of force, especially if we have a significant use of force. The timing is right to identify community members who would be willing to commit to be an independent community representative if Shoreline has an event where an IIT team responds and investigates, in compliance with I-940. The parameters are not clear on the process to select community members, probably intentional, since this needs to work throughout the State. It may be a good opportunity for certain residents to volunteer that can be objective and trusted with sensitive information. I have met with Dan Chrisman who went over I-940 at an Eastside Chief's meeting. I will ask some of the other chief's if their city has selected community members and what type of process was used.

Thanks, Shawn

Beginning of Comments From CJTC Executive Director Sue Rahr:

[Here](#) is a link to our website that answers the most frequently asked questions about the Law Enforcement Training and Community Safety Act (LETCSA) formerly known as I-940. ***That page contains links to the actual WACs that spell out every single rule in detail.***

I also attached a PPT that I used when I presented the LETCSA overview at the WASPC Fall Conference in 2019. ([Attached WASPC GTWO June 26](#)) It goes through the entire set of rules for deadly force investigations with red and purple highlights for points that are critical.

Editorial Comments- Sue Rahr

This set of rules for independent investigations was created through the negotiated rulemaking process. That means it was a highly cumbersome, bureaucratic process whereby a group of 25+ statutorily designated stakeholders, and 50+ additional participants with widely divergent ideas, developed the language over the course of many months during public meetings. Nearly every word is the result of a compromise. (so this is a camel, not a horse) I tried my very best to keep it as simple and straightforward as possible. It is not as convoluted as some statutory language, but it won't win any literary awards, either.

Bottom line - If you are a Chief or Sheriff, and someone in your agency might be involved in a deadly use of force someday, you and your command staff just need to read it. There are no short-cuts. The language should be taken at face value. You should be planning how you will manage a deadly force incident LONG before it happens. For example, you should have an agreement in place with whatever agency/team you hope will do the investigation. You should have a list of potential community representatives who you can call on to join an independent investigative team if/when an incident happens.

A common question/complaint I've heard is that there isn't a detailed, prescribed process for selecting the community representatives to be members of the Independent Investigation Team. (IIT) ***That is intentional.*** The rule was written to give each Chief or Sheriff maximum flexibility in selecting community representatives. This is an area where a "one size fits all" rule won't work. The method for selecting these members in a small, rural community will be vastly different from a highly populated urban area.

These **community representatives** are critically important to maintaining public trust, as is the family liaison. The community reps will be most valuable if they are trusted by members of the community that your agency serves and in which the incident occurred. They will become the trusted voice to the community on behalf of the independent investigation. Again, there is WIDE latitude about how many representatives you select and how you select them. You all know your communities best and I'm sure you know dozens of people to recruit for these duties. You need to decide how you want to select these representatives and then answer to the community if they're

not happy with your selection. I strongly suggest you rely heavily on community members to assist you in making this selection.

Pending Documents (attached) - [Conflict of Interest](#), [Best Practices](#), and [First Aid Guidelines](#)

There are three draft documents currently in circulation as we are soliciting feedback from stakeholders. These documents include: Investigation Guidelines, Conflict of Interest Form, and First Aid Rules. These documents were to be presented to the Commission in March and adopted at the Annual Summit in June. Both were cancelled due to the pandemic. We will present them at the September Commission Meeting and Summit. I have attached the draft of these documents. THEY ARE NOT FINAL AND HAVE NOT BEEN ADOPTED. But you are welcome to use them as guidance.

**They are created to assist you in complying with the rules. You can still be in compliance with the rules without using the documents before they are final. For example, you can take good faith steps, based on the language in the rule, to ensure that investigators on the independent team don't have an obvious conflict of interest related to the officer being investigated.*

If you have questions or want to better understand the law, please feel free to contact either dbgates@cjtc.wa.gov, malexander@cjtc.wa.gov, or srahr@cjtc.wa.gov.

*(*Many of you have spoken to **Dan Christman** about this law in the past. He is now working in the newly created Critical Incident Stress Management program. DB Gates is the new program manager that has taken over the LETCSA responsibilities.)*

End Sue Rahr Comments

Steven D. Strachan, Executive Director
Washington Association of Sheriffs & Police Chiefs