

Skagit-Island Multiple Agency Response Team

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Mount Vernon, WA 98273

360.416-1911
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EXECUTIVE BOARD MEETING Minutes

Agenda

January 29, 2021 – 1:00 p.m.

(Virtual Meeting)

The Skagit Island Multiple Agency Response Team Executive Board will be participating in this meeting via video/teleconference technology.

To remotely attend the meeting, the public may; call the conference line at 1-888-924-9240; Access Code: 3366271; (please 'mute' your phone, if possible, to minimize distractions)

I. OPENING

- A. Call to order-by Chief Cammock at about 1300.
- B. Phone Bridge-opened for public input-Kera Wanielista was the only attendee.
- C. Roll Call of Executive Board Members-
 - Mt Vernon PD Chief Cammock
 - Sedro-Woolley PD Chief Tucker
 - Burlington PD Chief Luvera
 - Anacortes PD Chief Small
 - WSP Captain Atchison
 - Oak Harbor PD Chief Dresker
 - Skagit County SO Sheriff McDermott
 - SMART Commander Meyer
 - SMART Commander Booth

II. NEW BUSINESS

A. Election of the SMART Executive Board Chair for 2021

Motion for Chief Cammock to Chair the SMART Executive Board by Chief Dresker and seconded by Sheriff McDermott, unanimous approval.

B. Resolution Adopting Regular Meetings for The SMART Executive Board

Motion to adopt regular meetings Resolution (2021-001) by Sheriff McDermott and seconded by Chief Luvera, unanimous approval.

C. Review/Approval Executive Board Meeting Procedures Manual

Motion to approve Board Meetings Procedure Manual by Chief Small and seconded by Sheriff McDermott, unanimous approval.

D. Review of October 12, 2020 Whatcom County investigation request

SMART Team Commanders Meyer and Booth, see attachments.

E. 2021 Operational Readiness Updates

SMART Team Commanders Meyer and Booth, see attachments.

F. Law Enforcement Training and Community (I-940) Updates

SMART Team Commanders Meyer and Booth, see attachments.

G. Discussion: Addition of a Commander from Oak Harbor or Island County Sheriff

- Discussion on the possibility of having Commanders from both Island County SO and Oak Harbor PD, following the pattern of Mt Vernon PD and Skagit County SO.
 - Motion to Accept Captain Mike Bailey from Oak Harbor as SMART Commander made by Chief Luvera and seconded by Sheriff McDermott, unanimous approval.

H. For The Good of the Order - Roundtable

- Discussion on whether the Attorney General's Office has reviewed I-940 processes.

Adjourned-1433

Attachments (Word Docs.)

- SMART Executive Board Updates-Meyer
- SMART Readiness Updates-Booth
- Whatcom County Case Debrief - Meyer

Next Meeting:

April 27, 2021, 1:00pm

Updates or changes: www.skagitcounty.net/SMART

SMART Executive Board Meeting

Jan 29, 2021

Commander Tobin Meyer

Whatcom County Investigation

- First I-940/WAC 139.12 Investigation
 - Was a good opportunity to exercise our new post 940 protocols, forms, processes.
 - Pleased to report that all of our collective hard work and effort paid off with a smooth process.
 - De-confliction, weekly press and media communications, limited briefings to the sheriff with community reps present.
 - Issues worked through not related to post I-940 processes.
 - Challenge obtaining statements night of the incident from involved and witness officers and would expect to see this in future cases so ways we can prepare for that.
 - As a result, we followed our Involved officer procedure for each officer present which means:
 1. Collecting full gear from each officer.
 2. Created some challenges for the agencies to find replacement gear/equipment.
 3. Administrative leave decisions were left with the individual agencies.
 - I believe it would be beneficial, if we anticipate providing future SMART services to Whatcom County, to provide an orientation presentation to Whatcom LE leadership. They have expressed interest in this. We have are meeting with them next week to provide their admin debrief and will discuss this again at that time with them.
 - We have also conducted adebrief with our Community Reps on this incident. Tana Wood and Eric Johnson provided their perspective on how things went. At the end of that debrief they advised they were very satisfied with the procedures we have in place and felt we followed those appropriately.

Operational Readiness

- Commanders checklist completed for I-940 requirements at a callout.
- Specific checklists for Family and Tribal Liaisons
- Honorable behavior annually reaffirmation
 - May modify this form to include training affirmation committing to WAC training requirements.
 - May also include annual review language for rotation (WAC requires every 3 years).
- Existing Team Member compliance reviews completed
- New member compliance review process in progress
- Staffing/New members/Orientation upcoming
- SMART Website is up and running
- Need to identify a new PIO – current WSP PIO has served us well but has taken an assignment in Spokane.
- See Lieutenant Booth notes below

Law Enforcement Training and Community (I-940) Updates

- Community Rep Training Complete – we spent a half day with them
 - Covered an abbreviated version of our SMART orientation program that we run all of our new detectives through.

- Covered specific WAC defined roles and practical applications of those roles.
 - Specifically covered time sensitive tasks
 1. Deconfliction, advance notification of Press/Media release, and presence at executive briefings.
- Tana and Eric, who helped us with our Whatcom County case, said this training helped them feel prepared and knowledgeable in what to expect. We hope to continue with this training for all new community reps we bring on and we have additional training planned for our community reps as COVID and time allows.
- Annual SMART training occurred December of 2020 and covered post 940/WAC 139.12 changes to our procedures, new forms specific to the WAC requirements, and a practical application debrief of how these changes impacted the Whatcom County investigation.
 - All members of the SMART team are now trained on the new WAC requirements and we'll be sending out updated hard copies of our updated procedures probably early next month.
- CJTC has also recently launched all of the I-940/WAC 139-12 required forms and lead investigator certificate process after some delay in getting those out. Lt. Booth and I hope to go through those in the near future and determine what our next steps will be to implement those into our process.

SMART Executive Board Meeting

Jan 29, 2021

Commander Tobin Meyer

Whatcom County Investigation –

Oct 12, 2020 Whatcom County Sheriff's Deputies were searching for homicide suspect on West Maplewood Ave in Bellingham. The homicide had occurred one day earlier.

Deputies were aware of the suspect being declared armed and dangerous and were aware that the suspect had a violent criminal history that include the use of firearms and weapons.

Deputies observed the suspect come outside of the apartment building and ordered him to stop. The suspect did not obey the order to stop and ran from deputies. Deputies again ordered the suspect to stop and warned him they would shoot if he did not obey their command to stop.

Deputies fired at the suspect multiple times but did not strike him resulting in no injuries. Deputies were eventually able to take custody of the suspect who had fled into thick blackberry bushes.

The Whatcom County PA later reviewed this case and determined that, even if the suspect had been injured, the shooting would have been justified under WA RCW 9A.16.040 based on the good faith standard. The PA based his decision knowing the facts and circumstances the officers knew at the time including the knowledge that the suspect was a fleeing felon, there was probable cause to believe the suspect had committed murder in the first degree, and the suspect posed a threat of serious physical harm to officers or others if not apprehended, and officers provided several orders and a warning to stop and if he did not the officers would shoot.

- Sheriff Elfo called and requested SMART respond to conduct the investigation.
 - This was in part due to so many agencies being involved and
- After sorting through some conflicting information, in the end this technically did not qualify as a WAC 139-12 Investigation requiring an IIT to investigate.
 - Whatcom County Sheriff in consultation with the PA's office agreed that it was prudent to move forward as an IIT investigation.
- Sheriff Elfo did not yet have any community reps selected and requested we use two of ours.
 - Two community representatives from our Team were available.
- This is our first Post I-940/WAC 139-12 investigation and I'm happy to report that from an investigations process review things went fairly smooth as far as our new WAC 139-12 requirements went.

SMART Executive Board Meeting

Jan 26, 2021

Commander Greg Booth Update

Operational Readiness

- Supervisors and Command Team have done a complete re-write from front to back of the SMART SOPs to ensure compliance with WAC 139.12

A few highlights:

1. Involved and Venue Agency definitions now consistent with WAC

- Involved Agency – employs or supervises the officer(s) who used force
- Venue Agency – has law enforcement jurisdiction over a non-deadly force crime or incident requiring investigation.

2. Lead Investigators

- Must have the Lead Investigator Certification from CJTC
 - Meet the Experience and Training requirements
 - 3 years uninterrupted experience as a certified peace officer
 - Successful Completion:
 - Basic Homicide Investigation
 - Interviewing and Interrogation
 - 24-hour Violence de-escalation and mental health training
 - 2- years experience as an investigator covers Homicide and Interview class, but still requires the Violence de-escalation training.

3. Non-Law Enforcement Community Representatives

- Confidentiality agreement, conflict of interest statement
- Review team members conflict of interest statements w/in 72 hours

- Present at briefings with Involved agency
 - Review equipment use of the Involved agency
 - Copy of all press releases prior to release
 - Participate in vetting, interviewing of New SMART members
- 4. Family Liaison**
- Keep family or representative of choice informed of all significant developments in case
 - Provide advance notice of all press releases
 - Coordinate with SMART commander to insure specific requests/needs of the family are handle efficiently/effectively
- 5. Tribal Liaison**
- 6. Conflict of Interest Statements**
- Required by all investigators and non-law enforcement citizen representatives within 72-hours of the commencement of a SMART investigation involving police use of deadly force.
- 7. Removal from Team**
- Added section on “immediate dismissal” for any sustained finding for misconduct, dishonorable behavior or person history as defined. Honorable Behavior Affirmation form.
- 8. Incorporated specified WAC definitions:**
- Evanescent Evidence – evidence that may be tainted or degraded if left unprotected or unpreserved prior to IIT arrival
- 9. Interviewing Law Enforcement Employees**
- Defines “prohibited content” and steps to avoid compelled statements from tainting the criminal investigation
 - SMART Commander will affirmatively advise the Involved Agency to withhold any prohibited content from SMART
 - Any investigator that receives prohibited content will immediately advise a supervisor without disclosing the content
- 10. Appointment / Selection of Team Members**
- Ensure all applicants meet the Rank, Experience and Training requirements in WAC
 - **Rank:**
 - Must be employed by an IIT member agency, and be a commissioned peace officer in Washington State
 - **Experience:**
 - Previous experience as a detective or investigator
 - **Training**
 - IIT members who “Do Not” meet the training requirements are eligible to participate on the IIT, but they cannot serve in the LEAD position.
 - LEAD Certificate training requirements
 - 3 years of uninterrupted experience as a certified peace officer, crime scene investigator or related experience.
 - Proof of successful completion of the following classes:

- Basic Homicide Investigation,
 - Interviewing and Interrogation,
 - WAC defined “Violence de-escalation and mental health training”
 - Members with “2” years or more of relevant, full-time investigator experience may substitute experience for required training.
 - Advanced Training (min. 8 hours annually) – investigator related topics
 - IIT will train annually
 - Ensure qualified applicants are interviewed by a panel, which includes the citizen rep’s and other IIT members
 - All members will be interviewed using the same questions
 - At the conclusion of the panel, the IIT commander will consider the recommendations of the panel and select those best suited for the IIT.
- Existing member vetting complete – WAC required by January 2021
 - Years on SMART (member agencies require 2+ years of experience before eligible for investigator position)
 - Successfully completed SMART orientation
 - Attended annual SMART training
 - Honorable Behavior Affirmation (required annually by agency Chief / Sheriff)
 - Work history free of a sustained finding of serious misconduct or a pattern of sustained complaints, and a personal history free of demonstrable bias or prejudice against community members that may be impacted by the police use of deadly force
 1. Discrimination of any kind based on protected classes
 2. Theft, Fraud, Dishonesty or Abuse of authority
 3. Dishonorable behavior: harassment, bullying, aggressive or intimidating behavior, including domestic violence
- New members (who) & Orientation upcoming – March date TBD
- Commanders checklist

End of Document