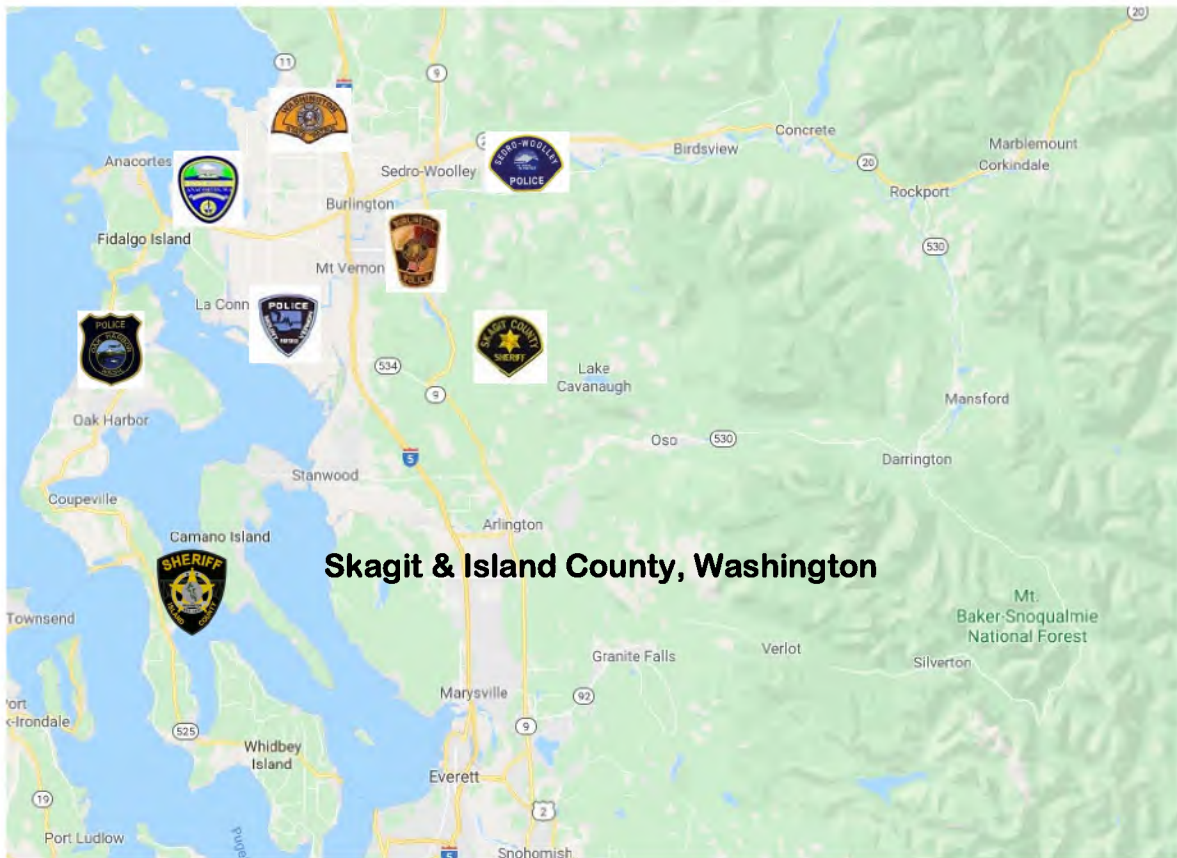


# **SKAGIT & ISLAND COUNTY**

## **Multiple Agency Response Team**



**SKAGIT & ISLAND COUNTY**

***Multiple Agency Response Team***

**MANUAL**

***Table of Contents***

<b>SECTION I</b>	<b>S.M.A.R.T. Structure</b>
<b>SECTION II</b>	<b>Investigation Procedures</b>
<b>SECTION III</b>	<b>Investigator Responsibilities</b>
<b>SECTION IV</b>	<b>Forms &amp; Charts</b>
<b>SECTION V</b>	<b>Addendums</b>

**SKAGIT & ISLAND COUNTY**  
**Multiple Agency Response Team**      **STRUCTURE**

**Table of Contents**

Statement of Need ..... 1

Scope & Focus..... 2

Optional Use – From S.M.A.R.T. .... 2

Goal..... 2

Qualifying Incidents..... 3

Participating Agencies..... 5

Executive Board..... 5

Interlocal Agreement..... 5

Legal Advisor..... 6

Team Member Responsibilities..... 6

CHART: SMART Structure..... 12

CHART: SMART Structure – Agency Assist..... 13

Involved Agency..... 14

Venue Agency..... 15

SMART Activation..... 17

Keeping Involved and Venue Agencies Informed..... 17

Policies & Procedures Applied..... 18

Costs – Routine & Non Routine..... 18

Evidence Storage..... 18

Case Files..... 19

Debriefing..... 19

Appointment & Selection..... 20

Training & Record Keeping..... 22

Equipment..... 23

Conflict of Interest Statements..... 24

Removal..... 24

# **Skagit & Island County MULTIPLE AGENCY RESPONSE TEAM**

## **STATEMENT OF NEED**

Across the country, police agencies have come under close public scrutiny whenever a criminal act or potential criminal act is alleged against one of their own members. Public awareness of incidents directly involving a law enforcement employee, such as shootings, fatalities, domestic violence, and DUI is growing, as is suspicion that law enforcement agencies may not be willing or able to thoroughly and objectively investigate themselves.

In Skagit and Island County the number of incidents directly involving police employees is relatively low; however, the issue of public trust and organizational credibility is as present here as anywhere else in the nation. We employ professionals who do quality work and when that is called into question, we need an investigative process that is objective and fair.

A separate but equally significant challenge for local agencies comes when a major criminal incident such as homicide, child abduction, serial arson or sexual predator victimizes a community. An agency can become overwhelmed by the volume of investigative demands like securing, preserving and processing the crime scene(s), locating and interviewing witnesses, searching for suspects, documenting, recording and impounding evidence, responding to media and public information requests, etc. Experience has shown that as time passes so can the solvability rate.

By taking a team approach to investigating complex criminal acts, it offers increased staffing during critical time periods, shared equipment, standardized policies and procedures, and takes advantage of individuals possessing specialized training. More importantly, it provides an unbiased, competent investigation when police personnel are implicated.

## ***SCOPE & FOCUS***

The Skagit and Island County Multiple Agency Response Team is created to provide investigative resources:

- Where the use of **deadly force**, by a peace officer results in death, substantial bodily harm, or great bodily harm. (WAC 139-12)

Example: Officer involved shooting

- When a **significant criminal event** occurs that has or is likely to exhaust the involved agency's investigative resources.

Example: Homicide, Child Abduction Amber Alert, Serial Crimes

## ***OPTIONAL USE***

The Sheriff or Chief of Police may elect to request an individual agency investigate alleged criminal conduct against one of its employees when the size or scope of the investigation is deemed more practical.

Example: Alleged DUI, Assault-DVPA, Theft, etc., by a police employee on or off-duty.

In lieu of invoking these protocols, the involved agency may investigate the matter by itself or may seek assistance from other agencies. Examples include the following:

1. Investigation involving a chief or sheriff.
2. Investigation involving a high profile police employee of any rank.
3. Investigation involving a police employee from another county.

## ***GOAL***

The intent of this investigative mechanism is to:

- I. Foster public trust through investigations characterized by independence, transparency, credibility and open communication. (WAC 139-12)
- II. Provide a multi-jurisdictional response to criminal or fatal incidents involving police employees.

- III. Provide greater efficiency and effectiveness during large scale criminal acts by employing a multi-disciplinary response.
- IV. Offer flexibility to employ methods that are practical and appropriate for given circumstances.

## **QUALIFYING INCIDENTS**

### Officer Involved Incidents:

The Skagit and Island County Multiple Agency Response Team will conduct investigations of incidents as required under WAC 139-12. SMART will be activated upon the request of the Involved Agency to handle qualifying incidents, including but not limited to:

- 1) Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
- 2) Intentional or accidental use of any other dangerous or deadly weapon.
- 3) Felony or serious 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 and results in serious bodily injury or death. This includes incidents where a law enforcement officer has applied a use of force on an individual and that individual stops breathing either during the application of force or immediately thereafter.
- 5) Any fatal or serious injury in police custody.
- 6) Any fatal or serious injury of an inmate at the Skagit or Island County Jail that occurs as a result of the use of force by a jail employee.
- 7) Vehicular collisions involving police gunfire directed at the suspect or the suspect vehicle.
- 8) Vehicular collisions which result in a serious injury or fatality that involve the use of vehicle(s) by police as a "legal intervention" technique intended to apprehend a suspect. "Legal Intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact

- 9) Vehicular collisions which involve serious injuries or a fatality that occur during a police pursuit. The serious injury or fatality may be to the suspect, an officer or other third party.

Vehicle collisions **not** covered by this Protocol include the following:

1. 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.
2. Law enforcement involved vehicle collisions that result in serious injuries or a fatality that do not involve police gunfire, legal intervention or a pursuit.

If an Employer/Involved Agency is involved in a collision covered under this subsection and desires an investigation to be conducted by an outside agency, it is recommended that the Employer/Involved Agency contact a neighboring law enforcement entity or the Washington State Patrol.

#### Major Criminal Events:

- 1) Crimes of violence such as homicide, aggravated assault, rape, arson, kidnapping, robbery or any other crime determined by the board.
- 2) Serial crimes such as arson, rape, robbery, or burglary.
- 3) Crimes with similar characteristics occurring in multiple jurisdictions.
- 4) Activation of an Amber Alert and/or the Child Abduction Response Team when significant investigative resources are required.
- 5) Any significant crime or incident where the Sheriff or the affected jurisdiction's Police Chief, believe the Multiple Agency Investigative services are appropriate.

#### Sheriff or Chief Option:

As stated in the Scope & Focus section, the Sheriff or Chief of Police may elect to investigate the matter itself by seeking aid from other agencies.

#### Outside Skagit & Island County Requests:

Responses outside of Skagit and Island County for agencies not party to this agreement will be directed to the Team Commander and considered on a case by case basis.

The Team Commander will consult with the Executive Board prior to committing resources unless time is of the essence. In these cases, the Team Commander will notify a member(s) of the Executive Board as soon as practical.

## ***PARTICIPATING AGENCIES***

The agencies agreeing to participate in the Multiple Agency Investigation protocol are:

- 1) Anacortes Police Department
- 2) Burlington Police Department
- 3) Island County Sheriff's Office
- 4) Island County Coroner's Office
- 5) Mount Vernon Police Department
- 6) Oak Harbor Police Department
- 7) Sedro-Woolley Police Department
- 8) Skagit County Sheriff's Office
- 9) Washington State Patrol
- 10) Skagit County Prosecutor's Office
- 11) Skagit County Coroner's Office
- 12) Washington State Patrol Crime Lab

Nothing precludes the parties from entering into agreements to add other law enforcement or specialized service agencies that would enhance investigative capability and integrity.

## ***INTERLOCAL AGREEMENT***

The Interlocal Agreement between the respective parties is contained as an addendum at the end of this section.

## ***EXECUTIVE BOARD***

An Executive Board comprised of representatives of the respective parties is established to administer this Agreement and to coordinate and monitor performance of the SMART. The Executive Board's responsibilities include, but are not limited to:

1. Identification of crimes and incidents that fall under the established protocols;
2. Resolution of disputes arising under this Agreement;
3. Coordination of personnel issues, investigative policies, practices, and training standards;



4. Maintenance of relations between participating law enforcement departments, and adoption of SMART policies and procedures;
5. Appointment of SMART Commanders, Assistant Commanders or Co-Commanders; and
6. Develop and oversee a transparent process for appointment of a minimum of two non-law enforcement community representatives who have credibility with and ties to communities impacted by police use of deadly force.

Members of the Executive Board shall include:

- Skagit County Sheriff,
- Island County Sheriff,
- Chief of Police, Anacortes Police Department
- Chief of Police, Burlington Police Department
- Chief of Police, Mount Vernon Police Department,
- Chief of Police, Sedro-Woolley Police Department,
- Chief of Police, Oak Harbor Police Department,
- Commander District 7, Washington State Patrol

### **LEGAL ADVISOR**

The Skagit County or Island County Prosecuting Attorney shall be the legal advisor for the SMART – determined by investigation jurisdiction.

### **TEAM MEMBER RESPONSIBILITIES**

#### **SMART COMMANDER**

*Maintains a command level rank and is appointed by the Executive Board for a two year term. Commander terms will stagger to avoid experience loss from term expirations. The Executive Board may extend the service based on mutual agreement. He/she is responsible for all aspects of managing and coordinating SMART Team readiness to include equipment readiness, personnel training, situational assessments, developing investigative priorities/objectives and managing all operations as needed for an investigation.*

#### **Administrative Responsibilities:**

- Develop a roster of investigators, specialists and equipment available for callout.
- Manage financial transactions/records of the Team.
- Assume Investigative Command responsibilities when requested.
- Report SMART activities to the Executive Board annually.

### Investigative Command Responsibilities:

- Command and control for all aspects of the investigative response including situational assessment, developing investigative priorities/objectives and managing the operation.
- Community Representative functional oversight.
- Ensure safety and welfare of all personnel assigned to the investigation including any citizens directly or indirectly impacted.
- Consult with Skagit County Prosecutor regarding legal issues.
- Designate the SMART Supervisor & approve tactics to accomplish the objectives.
- For non-deadly force investigations - Report status/progress to the Venue Agency Chief, Sheriff or designee.

### **ASSISTANT SMART COMMANDER**

*Possesses a command level rank and is appointed by the Executive Board for a two year term. Commander terms will stagger to avoid experience loss from term expirations. The Executive Board may extend the service based on mutual agreement. He/she is responsible for assuming all aspects of the SMART Team Commander's duties in his/her absence.*

### Key Responsibilities:

- Reports to the SMART Commander.
- Assists with investigative strategy development.
- Provides public information regarding the status/progress of the investigation or establishes a formal Public Information Officer function.
- Conducts safety audits of the scene, personnel & methods.
- Coordinates with Involved Agency security supervisor.
- Liaison to community/business surrounding crime scene area addressing concerns, access restrictions, timelines, etc.
- Update training records for those assigned to SMART responsibilities annually.
- Arrange, coordinate and record all Team training and attendance.

### **SMART SUPERVISOR**

*The SMART Supervisor is designated by the Team Commander. The SMART Supervisor will take direct charge of the crime scene investigation. In the event teams of investigators are created to handle certain tasks or areas, one person from each team shall be designated the Lead Investigator and report back to the SMART Supervisor.*

*If multiple supervisors are required, only one will be designated as the SMART Supervisor, the remainder will be Lead Investigators or general investigators.*

**Key Responsibilities:**

- Reports to the Team Commander.
- Coordinate Family / Tribal Liaison function as required under WAC 139-12.
- Works in conjunction with SMART command and assigned community representatives to oversee investigator de-confliction process, as required under WAC 139-12.
- Develops investigative tactics to accomplish objectives outlined by the Investigation Commander.
- Supervises all personnel and resources committed to the investigation.
- Develops specific methods for preserving, processing and collecting evidence.
- Develops investigative timelines.
- Organizes processes to collect victim, witness & suspect interviews.
- Participates in meetings or consults with the Prosecutor as needed.
- Coordinates investigative processes with specialized services (WSP Crime Lab, Coroner, Polygraph, etc.)

**CASE MANAGER**

*Every investigation needs a person or persons who are assigned to track the case details from start of the investigation through prosecution stages. This function will be familiar with all aspects of the case in order to be responsive to requests from agencies like the prosecutor's office. Case Manager(s) are selected by the SMART Supervisor as early as possible in the investigation and remain until reassigned.*

**Key Responsibilities:**

- Reports to the SMART Supervisor.
- Responsible have a working knowledge of all aspects of the case.
- Respond to requests from the prosecutor's office.
- Coordinate responses with the SMART Commander/Supervisor to the Involved Agency.
- Review all investigator reports.
- Confirm evidence collection is accurately reported.

## **INVESTIGATORS & LEADS (TEMPORARY)**

*Investigators are comprised of those currently assigned to the Participating Agency's Criminal Investigations Division. Selection and assignment of specific investigatory tasks will be at the direction of the SMART Supervisor or his/her designee.*

*Leads, in the event teams of investigators are created to handle certain tasks or areas (hospital scene, outdoor scene, interviews, etc.), one person may be designated the Lead Investigator and report back to the SMART Supervisor. **Investigators must have training and tenure as defined in WAC 139 (Independent Investigation Team) to perform the Lead function – applies during investigations of police use of deadly force.** Once the task is complete, Leads return to their normal assignment.*

### Key Responsibilities - Investigators:

- Reports to the SMART Supervisor or assigned Lead.
- Responsible for specific investigative tasks as assigned.
- Works collaboratively with other investigators & personnel to accomplish tasks.
- Prepares investigative reports to document work as required.
- Maintains proficiency with various equipment and contemporary investigative practices.
- Reports safety issues or concerns.

### Key Responsibilities - Leads:

- Reports to the Lead Supervisor.
- Responsible for personnel or resources within a defined task or area. (Example: Neighborhood canvass, scene documentation, evidence collection, witness interviews, a specific geographic area, etc.).
- Develops investigative approaches for the specific assignment.
- Supervises all personnel and resources assigned to him/her.
- Develops timelines to accomplish assigned tasks.
- Coordinates investigative processes with specialized services (Prosecutor, Crime Lab, Coroner) within the specific task or area assigned.

## **EVIDENCE TECHNICIANS**

The Evidence Technicians shall help with tabulating, collecting, packaging, transporting and storing evidence. Other assigned duties within the scope of their assignment and training may be assigned.

### Key Responsibilities:

- Reports to the SMART Supervisor or Lead Investigator.
- Responsible for specific evidentiary collection, packaging or transport tasks.
- Establishes packaging logs and appropriate audit trails for collected items.
- Assesses appropriate transportation needs.

- Problem solves special evidence collection/packaging challenges – Haz Mat, oversized items, storage space limitations, etc.
- Works collaboratively with other investigators & personnel to accomplish tasks.
- Prepares investigative reports to document work as required.
- Reports safety issues or concerns.

### ***PUBLIC INFORMATION OFFICER***

The Team Commander will designate a PIO at all investigation scenes. The PIO serves as an information conduit to the organized media. The PIO will coordinate all released information through the Investigations Commander ensuring that it is accurate, objective, and factual; and all WAC notification requirements have been met.

#### Key Responsibilities:

- Reports to the Team Commander.
- Assists news personnel in covering news stories at the scene of incidents.
- Is reasonably available for on-call responses to the news media.
- Is available for after-hours call-out.
- Prepares and distributes agency news releases.
- Arranges for and assists at news conferences.
- Coordinates the release of information about victims, witnesses, and suspects.
- At incidents where the media is on-scene and a PIO is not immediately available the Team Commander or his/her designee may provide preliminary statements to the media.
- In the event the media does not respond to the scene of an investigation but still contacts the affected agencies requesting information, the media will be instructed to first contact the designated PIO assigned to the investigation.

### ***NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES***

In the event of a SMART Investigation involving police use of deadly force, the Team Commander will coordinate with the SMART Executive Board and the Involved Agency to identify two non-law enforcement community representatives, from the impacted communities, from the existing roster to participate in the investigation.

#### Key Responsibilities:

- Sign a binding confidentiality agreement at the beginning of each police use of deadly force investigation that remains in effect until the prosecutor of jurisdiction either declines to file charges or the criminal case is concluded.
- Complete a conflict of interest statement, regarding any connection to the officer(s) being investigated.

- Review conflict of interest statements submitted by all participating SMART investigators within 72-hours of the commencement of each investigation.
- Review notification of equipment use of the involved agency.
- Be provided a copy of all press releases and communication to the media PRIOR to release.
- Representatives will have access to the investigation file when it is completed.

**Additional Non-Investigation Duties:**

- Participate directly in the process, vetting, interviewing and/or selection of SMART investigators and new non-law enforcement community members.

***FAMILY LIAISON***

In the event of a SMART Investigation involving the police use of deadly force, a member of SMART will be assigned as a family liaison within the first 24-hours.

**Key Responsibilities:**

- Keep the family, or a representative of the family's choice, apprised of all significant developments in the SMART investigation.
- Give the family and the Involved Agency notice of all scheduled press releases.
- Coordinate with the SMART Commander to insure specific family needs/requests are handled as efficiently and effectively as possible.

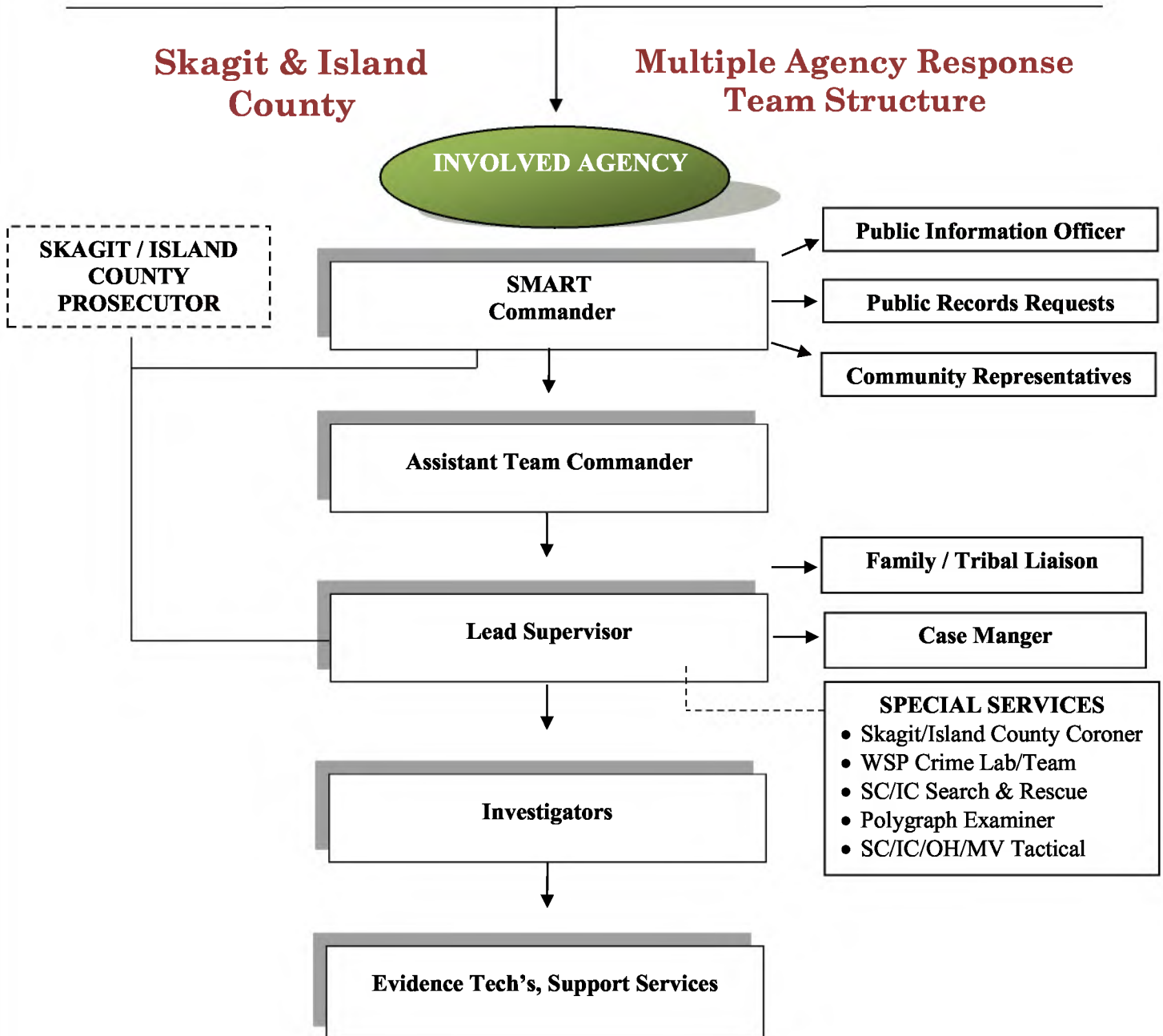
***TRIBAL LIAISON***

In the event of a SMART Investigation involving the police use of deadly force, where the person against whom deadly force is used is, or is believed to be a member of a federally recognized tribe, a member of SMART will be assigned as a tribal liaison within the first 24-hours.

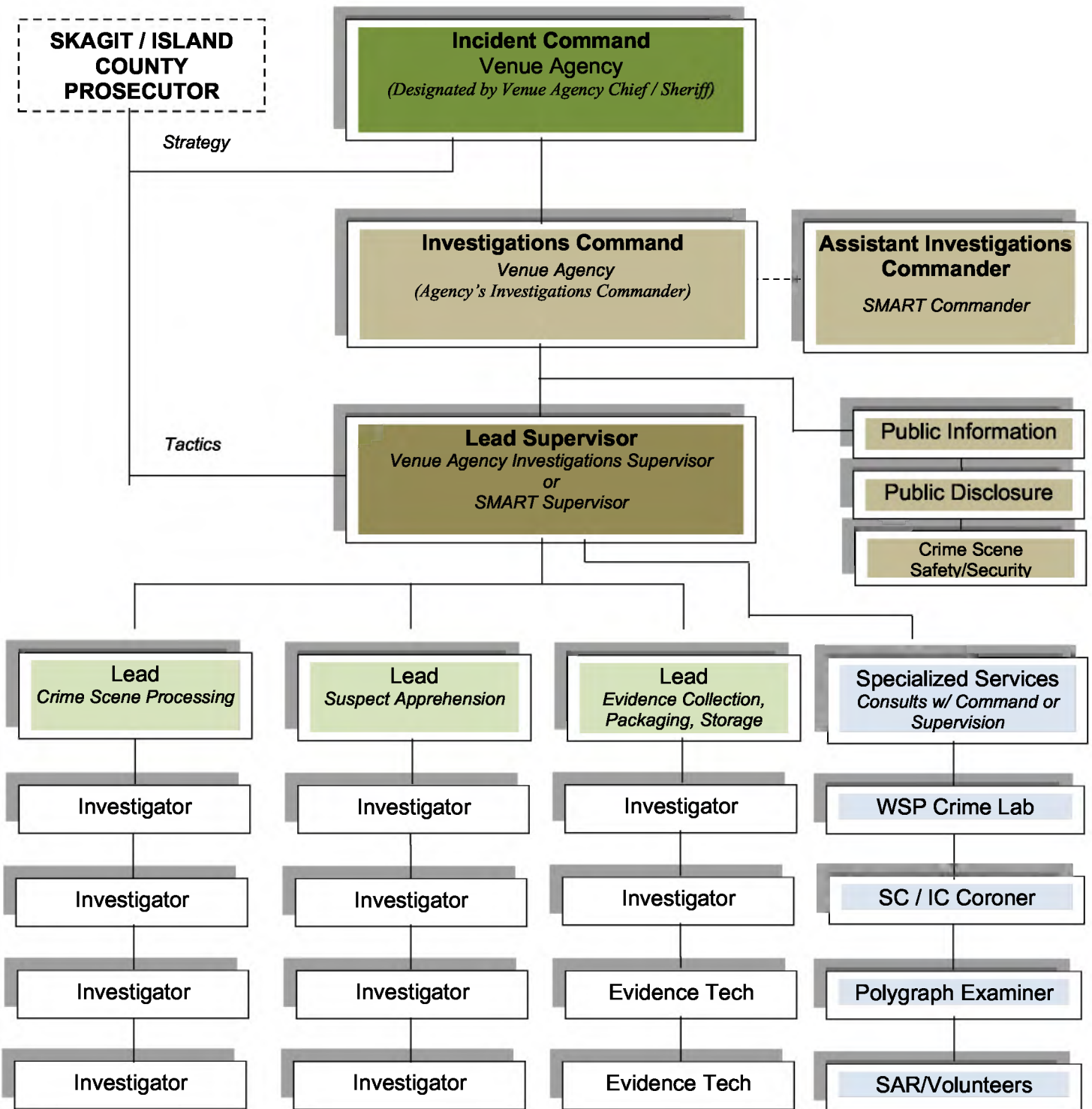
**Key Responsibilities:**

- Keep the tribe, or a representative of the tribe's choice, apprised of all significant developments in the SMART investigation.
- Give the tribe and the Involved Agency notice of all scheduled press releases.
- Coordinate with the SMART Commander to insure specific needs/requests of the tribe are handled as efficiently and effectively as possible.

**Skagit & Island County Sheriff  
Chiefs of Police  
Commander, Washington State Patrol for Skagit-Island-  
Whatcom County**



## Structure (Optional) for SMART Assisting with a Venue Agency Investigation





## ***INVOLVED AGENCY***

The Involved Agency is considered the department that employs or supervises the officer(s) who used force. There can be more than one Involved Agency.

- a. When an incident occurs in part in two or more jurisdictions, each of those jurisdictions may be the Involved Agency.
- b. When the 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 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 the acts leading up to the incident within its jurisdiction shall be the Involved Agency.

### **INVOLVED AGENCY RESPONSIBILITIES**

A member agency of the SMART possess a mutual aid agreement with the Participating Agencies, and/or agrees to the terms of the SMART Memorandum of Understanding.

#### **Officer-Involved Deadly Force Investigations:**

1. Render the scene safe.
2. Provide or facilitate life-saving first aid to persons at the scene who have life-threatening injuries.
3. Initiate formal request for SMART.
4. Protection and preservation of evanescent evidence.
5. Once SMART arrives and the SMART Commander has the appropriate resources on scene, the Involved Agency will relinquish control of the scene to SMART.
6. 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 SMART – whichever is faster.
7. If the person against whom deadly force is used is, or is believed to be a member of a federally recognized tribe, the Involved Agency will notify the governor's office of Indian affairs (GOIA) in accordance with state law.
8. No member of the Involved Agency may participate in any way in the investigation of police use of deadly force conducted by SMART – with the following exception:

- a. Specialized equipment belonging to the Involved Agency may not be used by SMART unless:
    - i. No reasonable alternative exists,
    - ii. The equipment is critical to carrying out the SMART investigation,
    - iii. The use is approved by the SMART Commander.
  - b. If the equipment is used, the non-law enforcement community representative(s) must be notified:
    - i. Why the equipment needs to be used,
    - ii. Steps taken to appropriately limit the role of any Involved Agency personnel in facilitating the use of the equipment.
9. No information about the ongoing SMART investigation of police use of deadly force will be shared with any member of the Involved Agency..
10. If the Chief or Sheriff of the Involved Agency requests the release of body cam video or other investigative information of urgent public interest, the SMART Commander should honor the request with the agreement of the prosecutor of jurisdiction.

### ***VENUE AGENCY (NON-IIT/WAC 139-12 Investigation)***

The Venue Agency is the law enforcement agency with jurisdiction over a non-deadly force crime or incident requiring investigation. When a non-deadly force incident occurs in part in two or more jurisdictions, each of those jurisdictions is the Venue Agency. When the 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 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 the acts leading up to the incident within its jurisdiction shall be the Venue Agency.

#### **Major Criminal Events:**

- 1) Crimes of violence such as homicide, aggravated assault, rape, arson, kidnapping, robbery or any other crime determined by the board.
- 2) Serial crimes such as arson, rape, robbery burglary.
- 3) Crimes with similar characteristics occurring in multiple jurisdictions.
- 4) Activation of an Amber Alert and/or the Child Abduction Response Team when significant investigative resources are required.

- 5) Any significant crime or incident where the Sheriff or the affected jurisdiction's Police Chief, believe the Multiple Agency Investigative services are appropriate.

**Venue Agency obligations.** When SMART assistance is desired, the Venue Agency shall:

- 1) Determine its resource limitations and what additional levels are needed for an investigation;
- 2) Request SMART assistance – either that the SMART assume control of an investigation or supplement Venue Agency resources – through a senior officer (Sheriff, Police Chief, or a command level officer above the rank of Sergeant), who shall direct the request for Team assistance to the SMART Commander with enough details for him/her to determine whether a callout is necessary and the level of resources and assistance needed;
- 3) Designate an Incident Commander to coordinate the Venue Agency's response with the SMART;
- 4) Provide crime scene protection, security and staff support as required;
- 5) Provide facilities, equipment, resources and assistance as needed for the SMART;
- 6) Agree to be responsible for all reasonable investigative expenditures, including the costs of storing and handling extraordinary items such as vehicles, HAZMAT, etc.;
- 7) Allow SMART personnel access to all available documents, reports and information regarding the incident and investigation; and
- 8) Refer all media requests for information to the SMART Public Information Officer assigned to the investigation and coordinate any release of public information with the Team's public information staff.
  - i) Except as may be required by law and only after notice to the SMART Commander, the Venue Agency will not release any information that may compromise a SMART investigation.

## ***SMART ACTIVATION***

1. The Sheriff, Police Chief or a command level officer above the rank of Sergeant from the Involved or Venue Agency requests SMART services.
2. The request is directed to the SMART Team Commander with enough details for him/her to determine a callout is warranted and the level of resources and assistance needed.
3. If the Involved Agency's request for the Team is for an officer involved incident, the SMART Commander shall have sole and exclusive authority concerning the investigation of the incident.
4. If the Venue Agency's request for the Team is for an incident not involving the agency's employee but the Venue Agency's resources appear too limited, the SMART Commander may assist the agency in selecting and mobilizing needed resources or help with organizational tasks. In these situations, the Venue Agency Commander would be responsible for any decisions involving the investigative process.
5. Parties agree that the SMART Team use, in cases not involving an agency's employee, is meant for significant criminal events where an agency's resources are or are likely to be exhausted. It's not intended to replace costs a Venue Agency could incur by using their own off-duty staff or resources. It is also not intended to defer continuing staff training & development by relying on SMART services for serious crimes.

## ***KEEPING INVOLVED AND VENUE AGENCIES INFORMED***

**Involved Agency** – No information about the ongoing independent investigation of police use of deadly force will be shared with any member of the involved agency..

**Venue Agency** - The following shall only apply to investigations that do not involve police use of deadly force.

The SMART Commander shall ensure that the Venue Agency's Police Chief, Sheriff or their designees are kept informed of the progress of the investigation. The Commander may meet with the Venue Agency's Police Chief/Sheriff or their designee the following business day after the initial investigation.

If requested by the Venue Agency's Chief, Sheriff or their designee, the SMART Commander will arrange for a walk-thru of the scene with the Venue Agency's Chief,

Sheriff or command staff. The SMART Supervisor and Case Manager will participate in this walk-thru to answer any questions. This walk-thru will only occur after the scene has been processed and evidence collected and just prior to the scene being turned back over to a responsible party. The Venue Agency's command staff will not take part in any crime scene processing. Involved officers and witnesses will not participate in a walk-thru.

After the SMART investigation has been completed and the prosecutor reviewing the case has made a charging decision, the SMART Commander will schedule a case overview meeting. This meeting is intended to brief the Involved or Venue Agency's Chief or Sheriff on what occurred during the incident and what investigative steps were undertaken. The SMART Supervisor and Case Manager will be responsible for presenting the case overview. Community representatives assigned to the investigation will be given the opportunity to attend.

## ***POLICIES & PROCEDURES***

Every member working under this SMART protocol is subject to their own agency's policies and procedures. Specific Team policies may be created in addition to the agency for investigative efficiency and uniformity.

The following information related to SMART will be available to the public:

1. SMART policies and operating procedures,
2. Names of SMART Members, Supervisors, Commanders and Non-Law Enforcement community representatives.

## ***COSTS***

Each Participating Agency shall be responsible for their employees' wages and associated costs. Any non-routine costs shall be the responsibility of the Involved Agency upon the approval of the involved agency head. The Commander will contact the executive board for resolution in the event the involved agency declines to cover any non-routine costs.

## ***EVIDENCE STORAGE***

Unless the Skagit County Sheriff's Office is the involved agency, all evidence shall be stored under the control of the Skagit County Sheriff's Office Property Room. If quantity or special handling requires storage in another location the evidence will first be logged into SCSO's Property Room and then transferred to the new holding location. Property logs will properly reflect these moves.

The Skagit County Sheriff's Office Evidence Technician is responsible for all evidence intake and tracking control. He/she will keep the SMART Commander and Supervisor informed.

The Involved or Venue agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

If the Skagit County Sheriff's Office is the involved agency, Mount Vernon Police will serve as the primary location for evidence storage. The Mount Vernon Police Evidence Technician will be responsible for all evidence intake and tracking control.

If both agencies are involved agencies, the SMART Commander shall determine which agency will serve this role.

## ***CASE FILES***

Skagit 911 will issue a SMART case number (Example 20-ST0001) at the time of callout. The request may come from a SMART Supervisor or the first arriving Investigator.

All original reports, statements and other documentation generated by SMART Investigators shall be held under this case number.

- Records staff from the Participating Agencies responsible for investigator reports will have access to input their investigator's reports to the SMART case number.
- SMART Investigators will turn their completed reports into the SMART Supervisor for review and approval.
- The SMART Supervisor will send a copy of the approved reports to the Case Manager as soon as practical.
- All originals will be held at the Skagit County Sheriff's Office Records Division. In the event SCSO is the Involved agency, the original report will be held at the SMART Commander's (designated for that investigation) home agency.
- The SMART Commander may partition the case in Flex and limit view access when the nature is sensitive and confidentiality is needed for case integrity.
- The Involved Agency may designate or use a separate Flex Law Incident Case number for the originating incident but it will remain separate from the SMART Investigation.

## ***DEBRIEFING***

### Operational

Following each activation, an investigation debriefing for SMART investigators will be conducted as soon as practical. The debriefing will be scheduled by the SMART Commander and facilitated by the SMART Supervisor. The purpose is to review each

investigator's involvement in the case, assign out any additional tasks that may need completing and ensure equipment is returned in working order for future callouts.

A formal SMART Team use review will be scheduled no later than 30 days from demobilization. The purpose of this review is to improve readiness and identify training needs by reviewing roles, responsibilities, communication lines, investigative systems, and equipment applied during the Team's activation. The SMART Commander or his/her designee will report findings to the Executive Board.

### Critical Incident Stress Management

It is recognized that incidents like these can expose individuals to traumatic experiences. CISM Services will be made available to any and all members upon request or as designated by a supervisor, commander or executive.

## ***APPOINTMENT/SELECTION/PERIODIC REVIEW OF TEAM MEMBERS***

Participating in the SMART Protocol is voluntary and participants recognize the additional workload demands and potential hazards involved with this type of assignment. These include but are not limited to working extended periods of time, availability for callout with little or no notice, exposure to potential hazards found within crime scene.

Individuals holding full-time investigative positions within the Participating Agencies should be considered for application as Team Members unless determined otherwise by the agency head and/or SMART Team Commander. Work assignments will be based on the individual investigator's training and experience.

### Requirements for SMART Members

1. Applicants for the position of investigator must be employed by a SMART member agency.
2. Applicants shall be commissioned peace officers in the State of Washington with previous experience as a detective or investigator, or have special skills or experience necessary for the team.
3. Work history free of a sustained finding of serious misconduct and/or a pattern of sustained complaints.
4. Personal history free of demonstrable bias or prejudice against community members that may be impacted by police use of deadly force.

### Examples of disqualifying sustained misconduct and/or personal history

- Discrimination of any type – based on protected classes.
- Theft, Fraud, Dishonesty, and Abuse of Authority including but not limited to:
  - Falsifying an official police record,
  - Making a false statement,
  - Serious ACCESS violations,
  - Obtaining or disclosing confidential information, and/or
  - Excessive use of force.
  
- Dishonorable behavior including, but not limited to:
  - Harassment,
  - Bullying,
  - Aggressive or intimidating behavior,
  - Threats of violence, and/or
  - Domestic Violence.

### Selection Process for SMART Members

SMART leadership shall:

1. Ensure all applicants meet time, rank and training requirements required by WAC and/or RCW for independent investigations of police use of deadly force.
2. Ensure qualified applicants are interviewed by a panel, which includes the non-law enforcement community representatives and other SMART members selected by the SMART Commander.
3. All applicants shall be interviewed using criteria pertinent for the position. The same questions should be asked of all applicants.
4. At the conclusion of the panel, the SMART Commander shall consider the recommendations of the panel and select those best suited for SMART.

### Periodic Appointment Review of SMART Members

1. The Chief or Sheriff of a member agency, and the SMART Commander shall review the appointment of their SMART members who have served three years for possible rotation or replacement.



## TEAM COMMANDERS & SUPERVISORS

The Executive Board will select team commanders based on training, experience, skills and abilities. The SMART Team Commander and Assistant Commander will select SMART Supervisors based on similar criteria.

## TRAINING & RECORD KEEPING

The Criminal Justice Training Commission will issue an “Independent Investigation Team Qualified Lead Investigator” certificate to ensure those who are assigned to a lead investigator role for SMART – **in cases involving police use of deadly force** – meet the training requirements outlined in WAC 139-12.

### Qualified Lead Investigator certificate candidates must:

- Provide proof of at least three years of uninterrupted experience as a certified peace officer, crime scene investigator, or related expertise in a discipline relevant to investigations.
- Provide proof of successful completion of the prescribed training classes, (or equivalent experience), listed in WAC 139-12:
  - Basic Homicide Investigation,
  - Interviewing and Interrogation,
  - LETCSA Violence De-escalation and Mental Health Training.
- SMART members with two years or more of relevant, full-time criminal investigative work experience may substitute their work experience for the above required courses.

**SMART members who DO NOT meet the above training requirements for certification as Lead Investigators, may participate on SMART, but cannot serve in a Lead position during investigations of police use of deadly force.**

\* \* \* \* \*

Participating Agencies agree that the following courses are considered core areas of knowledge for all investigators assigned to SMART Team responsibilities. In addition to agreeing to ensure these levels are met, they will track successfully completed training and make it available to the SMART Commander.

### BASIC TRAINING

- Criminal Investigations
- Basic Homicide Investigation
- Crime Scene Investigation

- Interviewing and Interrogation
- Officer Involved Shooting Investigation
- In-Custody Death Investigation
- WSP Evidence, Collection & Packaging/Crime Scene Laboratory Services
- Cell Phone & Computer Forensic extraction

#### ADVANCED TRAINING

The following are recommended courses for investigators:

- Advanced Homicide Investigation
- Advanced Interviewing and Interrogation
- Blood Stain Pattern Analysis
- Crime Scene Photography & Videography
- Cell phone tracking
- GPS Tracking
- DNA collection
- Sudden Unexplained Infant Death
- Excited Delirium and Positional Asphyxia
- Other related training, seminars, and conferences or on-going training as offered by CJTC or other training venues on an as available basis.

#### IN-SERVICE TRAINING

- Monthly area detectives meetings.
- At least annually, an exercise or training that mobilizes the entire team.

The Assistant Team Commander will track and manage training hours for team members and will forward these to the investigator's respective agency upon request.

## ***EQUIPMENT***

Participating Agencies will work together to ensure that SMART has the necessary equipment to support the mission and goals of the team. Agencies shall supply each team member with basic safety equipment to adhere to current WISHA or OSHA blood borne pathogens rules.

In cases of police use of deadly force, use of Involved Agency staff and equipment will be reviewed by the SMART Commander and assigned Community Representatives prior to use.

## ***CONFLICT OF INTEREST STATEMENTS***

Within 72-hours of the commencement of a SMART investigation involving police use of deadly force, investigators and non-law enforcement community representatives, must complete a “conflict of interest” assessment tool regarding any connection to the officer(s) being investigated. The assessment tool (meeting WAC requirements) will include questions about prior interactions or relationships with officers being investigated, and will address social conflict, work conflict, and bias.

The conflict of interest statements will be reviewed and discussed by the non-law enforcement community representatives and the SMART Commander.

## ***REMOVAL FROM TEAM***

Members of the Team can be removed without cause by the SMART Commander or their own agency.

Sustained findings for misconduct, dishonorable behavior or personal history (as outlined under *Requirements for SMART Members*) – will be grounds for immediate dismissal from SMART.

End of Document

**Table of Contents**

Definitions .....	1
Types of Investigation Formats.....	5
Scene Security Responsibilities.....	6
Scene Protocol.....	6
Interviewing Law Enforcement Employees.....	9
Intoxicant Testing.....	11
Autopsy.....	11
Prosecutor's Office.....	12
Report Writing & Depository.....	12
Spillman/Flex Permissions and Partitioning .....	13
The Administrative Investigation .....	13
Public Information Releases.....	14
Inquests.....	19
Access to Reports & Evidence.....	19
Public Disclosure Requests.....	20
Confidentiality.....	23

## **DEFINITIONS**

### **A. "LAW ENFORCEMENT-INVOLVED FATAL OR SERIOUS INJURY INCIDENT"**

- i. An incident in which a Member Agency Law Enforcement employee is a Subject Officer and that incident results in a fatality or serious injury to another party; or,
- ii. An incident in which a law enforcement officer is the recipient of a serious injury or is killed.

### **B. "LAW ENFORCEMENT EMPLOYEE"**

Applies to employees and to certain other people affiliated with the law enforcement agencies that are members of this agreement, as follows:

1. Full-time, part-time, and hourly sworn and unsworn law enforcement personnel, whether on-duty or off-duty.
2. Reserve law enforcement personnel who are on-duty or who are acting actually, apparently, or purportedly 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 actually, apparently, or purportedly for a law enforcement purpose at the time of the incident.

### **C. "SUBJECT OFFICER"**

1. A person whose act is, at the relevant stage of the investigation, reasonably believed to be a "proximate cause" of a fatal injury to another person; or
2. A person who intends that his act be a "proximate cause" of serious bodily injury or death to another person, who is actually killed by another.

### **D. "PROXIMATE CAUSE"**

A cause which, in a direct sequence, unbroken by any new independent cause, produces death, injury or damage, and without which the death, injury or damage would not have happened.

**E. "SMART"/"INDEPENDENT INVESTIGATIVE TEAM (IIT)"**

The Skagit & Island County Multiple Agency Response Team is a team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any Involved Agency to conduct investigations of police deadly force incidents, and assist with significant criminal investigations that are likely to exhaust the Member Agency's resources with jurisdiction in the case.

SMART is comprised of investigators from various law enforcement agencies throughout Skagit and Island County who have entered into a written agreement.

**F. "ADMINISTRATIVE INVESTIGATION TEAM"**

Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the incident. SMART Investigators employed by an Employer Agency should have no involvement with any Administrative Investigation.

**G. "MEMBER AGENCIES"**

Law enforcement agencies which are part of the Skagit & Island Multiple Agency Response Team agreement and which have reviewed and signed an acknowledgement agreeing to its terms.

**H. "BEST PRACTICES"**

For the purpose of this chapter, best practices are defined as methods, techniques, and procedures that have consistently shown by research and experience to produce superior results and are established or proposed as a standard use for widespread adoption in the law enforcement profession.

**I. "COMPLETED INVESTIGATION"**

The final work product of the IIT for the purpose of informing the prosecuting attorney's charging decision. An independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies.

**J. "DEADLY FORCE"**

As set forth in 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.

**K. "EVANESCENT EVIDENCE"**

Physical evidence that may be degraded or tainted by human or environmental factors if left unprotected or unpreserved for the arrival of the IIT; identification and contact information for witnesses to the incident; photographs and other methods of documenting the location of physical evidence and location/perspective of witnesses.

**L. "GOOD FAITH STANDARD"**

As set forth in RCW 9A.16.040, "'good faith' is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual."

**M. "GREAT BODILY HARM"**

As set forth in RCW 9A.04.110, "great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

**N. "INITIAL INCIDENT RESPONSE"**

This is the period in time immediately following a police use of deadly force incident, and prior to the arrival of the IIT, when involved agency personnel on scene and other first responders immediately take actions to render the scene safe and provide or facilitate life-saving first aid to persons at the scene who have life threatening injuries.

**O. "INVOLVED AGENCY"**

The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "Involved Agency."

**P. "MEMBER AGENCY"**

Each of the agencies that enters into a written agreement to investigate police use of deadly force in their geographical region.

**Q. "NECESSARY"**

As set forth in RCW 9A.16.010, "necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

R. "PROSECUTOR'S REVIEW"

The period of time when SMART presents a completed investigation to the prosecutor, who then reviews all the facts and makes a charging decision.

S. "SUBSTANTIAL BODILY HARM"

As set forth in RCW 9A.04.110, "substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part.

T. "VENUE AGENCY"

The law enforcement agency with jurisdiction over a non-deadly force crime or incident requiring investigation.



## **TYPES OF INVESTIGATION FORMATS**

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any incident, investigations of these matters must be performed under two separate investigative formats:

- a. The criminal investigation is conducted by SMART; and
- b. The administrative investigation is conducted by the individual(s) designated by the Involved Agency.

### **A. THE CRIMINAL INVESTIGATION**

1. The criminal investigation has investigative priority over the administrative investigation and it begins immediately after an incident has occurred.
2. The goal of the criminal investigation is to objectively investigate and develop all available relevant information about the incident. This information will be used in two ways:
  - a. To determine presence or absence of *criminal liability* on the part of those involved in the incident, specifically:
    - i. To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
    - ii. If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
    - iii. If criminal conduct does exist, determine the degree of crime(s), the existence of any factual or legal defenses to that crime, and the presence or absence of any factors, which could mitigate or aggravate punishment for that crime.
  - b. While the criminal investigators do not direct their investigative attention to administration concerns, it is recognized that the criminal investigation's results are of interest to involved agency management for its internal use, and those results are fully available for that purpose unless otherwise prohibited by law.
3. SMART shall follow the rules of law which apply to all criminal proceedings, including, for example, constitutional, statutory and case law regarding rights which are covered by the U.S. Constitution's 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments.

4. The investigation shall be performed in a manner that provides both the appearance and the reality of a thorough, fair, transparent, credible, independent, and professional investigation.

### ***SCENE SECURITY RESPONSIBILITY***

Each Involved Agency has initial responsibility for immediately securing crime scene(s) within its territorial jurisdiction until SMART arrives per WAC 139.12.030 1(b) and 4(b) guidelines and using "Scene Security".

Once SMART arrives and has appropriate resources on scene, the Involved Agency will relinquish control of the scene to SMART. The Involved Agency may continue to provide personnel to assist with scene security outside of the marked crime scene.

### ***SCENE PROTOCOL***

- A. Emergency life-saving measures have the first priority.
- B. If a person is transported to a hospital who has sustained serious injuries or is deceased, an officer should accompany that person in the same vehicle in order to:
  1. Locate, preserve, safeguard, and maintain the chain of physical evidence.
  2. Obtain a dying declaration, spontaneous statement, 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 as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
  5. Identify relevant people, including witnesses and medical personnel.
- C. The scene(s) must be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence. In most circumstances an inner (evidence) perimeter and an outer (control) perimeter are preferable.
  1. Access to the scene(s) shall be limited to only those officials who must enter for an investigative purpose. Reports will be written by all those who enter the scene.

2. SMART investigators shall establish a written log as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
  3. When not needed for live-saving efforts, entry by fire and medical personnel should be restricted to the absolute minimum necessary to perform the needed duties.
- D. If any type of weapon or instrument was involved in the incident, the supervisor at the scene shall promptly see to the security and/or collection of such items following the guidelines below:
1. First responders/supervisors should not handle, remove, make safe, or secure any Subject Officer's weapons unless it is absolutely necessary. If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
  2. If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal if possible.
  3. If a Subject Officer still has personal possession of a weapon used in the incident, the Subject Officer may maintain custody and control of the weapon on their person. Precautions should be taken to ensure the weapon is not altered while the Subject Officer is in possession of the weapon. This procedure shall be adhered to until SMART investigators are available to properly document the Subject Officer's outer appearance and condition of the weapon prior to collecting it.
  4. If the responding supervisor/officer for any reason determines the need to take possession of a Subject Officer's weapon or instrument prior to SMART investigators' arrival, the weapon should be photographed and documented in the condition it was found prior to being removed from the Subject Officer. The supervisor/officer should make note of the weapon's general description and condition, the appearance and location of any trace evidence adhering to it, and where the weapon or instrument was first observed by the supervisor/officer.
- E. In firearms cases, the supervising officer will also make note of whether the firearm is cocked, has its safety "on" or "off," has its hammer back, any apparent jamming of either fired or unfired ammunition, the location and position of the weapon's magazine (i.e., fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster.

1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
  2. If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered, but note must be made of that fact.
- F. Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence, and shall otherwise maintain the chain of evidence.
- G. All collected weapons or instruments shall be transferred to SMART investigators upon their arrival, along with the information required in this section.
- H. Firearms that do not need to be retained in evidence, as determined by SMART Commander, will be returned to a designated representative of the Employer Agency promptly after documentation or any necessary testing has been completed.
- I. Any other physical evidence at the scene that is in danger of being contaminated, destroyed, or removed must be promptly and effectively observed, recorded and then protected for subsequent collection. Evidence adhering to live participants (such as bloodstains), footprints, and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence, are examples. This may lead to the collection of the involved officer's uniform and other equipment worn at the time of the incident.
- J. Except as provided in this section, weapons and instruments will not be disturbed in any way. Any handling of weapons and instruments shall be minimal, to preserve the exact state of the weapon or instrument when received.
- K. The transporting and sequestering of involved officers shall be conducted as follows:
1. Subject Officers will be relieved of their duties at the scene as promptly as possible and taken to the nearest police facility unless otherwise directed by SMART investigators. Officer(s) not involved in the incident shall be assigned to accompany these officers individually. Subject Officers should be driven to the station by an uninvolved officer. Witness officers should remain at the scene to brief SMART members. If a witness officer is impacted by the event to the extent that it would be better to remove them from the scene then the removal procedure above should be followed for the witness officer(s).

2. If circumstances prohibit removal of all witnesses and Subject Officers from the scene at once, the Subject Officers should be removed first.
3. An uninvolved officer shall remain with the Subject Officer(s), until they can be interviewed. The sequestering officers are present to:
  4. To maintain the integrity of each officer's later statements to investigators,
  5. Ensure the officers have privacy, and
  6. That their needs are accommodated.

*They should not be present during confidential (privileged) conversations.*

- L. Subject Officers should not discuss the case among themselves, other witness officers, or sequestering officers.
- M. While awaiting interview, Subject Officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.
- N. Subject Officers will consult with a SMART Investigator prior to securing.

#### O. CUSTODIAL DEATH SCENES

1. When an incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated if possible pending interviews by SMART investigators.

### **INTERVIEWING LAW ENFORCEMENT EMPLOYEES**

- A. Generally, it is the intent of SMART to obtain details of any officer involved incident as soon as possible after the event by interviewing and obtaining reports/statements from Subject Officers and witness officers.
- B. SMART investigators should always give the Subject Officer the opportunity to provide a voluntary statement.
  - a. The Subject Officer and Involved Agency will not furnish "prohibited content" (as described in WAC 139-12) to the SMART, which includes any compelled statements of involved officers or any investigative content that was informed by such compelled statements.
    - i. The Involved Agency will immediately inform the SMART Commander if they become aware that "prohibited content" has been furnished to SMART.

## Prohibited Content

- ii. Compelled statement(s)
  - iii. Investigative content that was informed by such compelled statement(s)
- b. SMART Commander(s) will affirmatively advise Involved Agency command to withhold any prohibited content from the SMART.
- c. Any member of the SMART that receives prohibited content will immediately report to their supervisor without disclosing the prohibited content and the member will discontinue participation in the investigation. The information will be removed and/or isolated from the remaining investigation unless the prosecutor of jurisdiction directs other action to be taken.
  - i. All interviews should be conducted separately.
  - ii. Interviews should be recorded.
  - iii. In custody interviews will be conducted in accordance with all federal and state laws applicable to in custody interrogations.
- d. All recordings will be retained for the period of time they are needed as evidence and, after that time, in accordance with State retention schedules.
- e. After an interview is recorded, a transcript of the recording will be prepared and reviewed by the SMART investigator who conducted the interview for content and context accuracy and any necessary corrections made.
  - i. Law enforcement employees have the same rights and privileges regarding SMART interviews that any other citizen would have, including the right to consult with a representative prior to the interview and the right to have the representative present during the interview.

The representative should be allowed to consult about the facts of the incident privately with only one law enforcement employee at a time.

## ***INTOXICANT TESTING***

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When SMART investigators determine that a law enforcement employee's state of sobriety is relevant to the investigation, they have these options:

1. Obtain the blood and/or urine sample by valid consent.
2. Obtain a search warrant to obtain the samples.
3. When applicable, utilize the provisions of the Motor Vehicles Title of state statutes, Title 46 RCW, for vehicle driving incidents.

## ***AUTOPSY***

- A. SMART Investigator(s) will attend the autopsy.
- B. The pathologist performing the autopsy will receive a complete briefing prior to the post-mortem examination. This briefing, which includes all information known at that time relevant to the case, manner, or means of death, shall be relayed to the performing pathologist and attended to by a least one primary investigator from SMART and the applicable evidence technician.
- C. Autopsies conducted in Skagit County are the responsibility of the Skagit County Coroner. Autopsies conducted in Island County are the responsibility of the Island County Coroner. SMART Investigators will document and collect all evidence. If an autopsy is moved to Snohomish County, they are under a Medical Examiner system. It is the responsibility of the Snohomish County Medical Examiner to document and collect all evidence.
- D. Out of county autopsies will be coordinated through the Skagit County or Island County Coroner.

## ***THE PROSECUTOR'S OFFICE***

The Skagit County or Island County Prosecutor's Office has the following roles in SMART Investigations:

- A. Assist and advise SMART on various criminal law issues which may arise, such as Miranda, prohibited content, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses and search warrants.
- B. Upon completion of the SMART investigation, analyze the facts of the incident as well as the relevant law to determine if criminal laws were broken. If so, prosecute in accordance with Prosecutor's Office policies and procedures and the laws of the State of Washington.
- C. The Prosecuting Attorney is responsible for those duties listed in paragraph B. The Chief Criminal Deputy Prosecutor, or her designee, is responsible for those duties listed in paragraph A. To the extent possible, the Prosecuting Attorney will not be involved in those duties listed in paragraph A.

## ***REPORT WRITING & DEPOSITORY***

- A. A SMART case number, (Example 20-ST0001), will be issued upon request from the Team Commander, Supervisor or designee. All reports should be submitted under the designated case number.
- B. All personnel involved in the criminal investigation shall write reports documenting their participation in a timely manner. This includes all first responders and investigators assigned to SMART.
- C. Every SMART Team Member is responsible for submitting their completed reports to the SMART Supervisor for review and approval.
- D. The Supervisor will forward a copy of any approved reports to the assigned Case Manager.
- E. Records personnel from each Participating Agency will have permission to transfer their investigators reports to Spillman/Flex under the SMART case number.
- F. The SMART Supervisor will be responsible for ensuring all first responder reports are collected, reviewed and approved by him/her. To assist with collection, the Supervisor may assign the Case Manager or designate a Report Liaison. The Team Commander will be kept informed.
- G. The "Report Liaison" will be responsible for collecting all first responder police reports related to the investigation. Collection may occur on scene or by contacting each police agency to collect any original reports written.



- H. All SMART follow-up reports will be completed as soon as practical. Prompt completion and distribution of reports is essential.
- I. The Skagit County Sheriff's Office will be designated as the custodian of the complete SMART investigation case file (which includes all of the reports associated with the incident) unless they are the involved agency in a law enforcement-involved fatal or serious injury incident. In such case, the SMART Commander will determine the agency designated as custodian of the SMART investigation case file.

### ***SPILLMAN/FLEX PERMISSIONS & PARTITIONING***

- A. SMART is listed in Spillman/Flex as "SMRT".
- B. SMRT agency cases will be restricted for viewing, adding or modifying.
- C. Skagit 9-1-1 will have permission to add SMRT agency cases but will not be able to view or modify.
- D. Only SMART members and clerical staff from their home agencies responsible for transcription will have the ability to add, view, or modify SMRT agency cases.
- E. When the Team Commander or Supervisor deem it necessary, the SMRT agency case can be partitioned so only the Team Commanders or designees have view or modify privileges.
- F. In cases involving a law enforcement-involved fatal or serious injury incident, SMART members from an "Involved" agency will be partitioned out of the case.
- G. Assistant Team Commander will review the permissions list annually.

### ***THE ADMINISTRATIVE INVESTIGATION***

No information about the ongoing independent investigation of police use of deadly force will be shared with any member of the involved agency.

To allow the involved agency to move forward with the administrative investigation in a timely fashion, the independent investigation must be conducted in a manner that does not inhibit the involved agency from doing so.

To accomplish this:

The SMART commanders must ensure information is not shared between investigators and the involved agency. Team members must be trained to observe these limitations to ensure no member of the SMART receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.

The “Involved Agency” must be affirmatively advised not to furnish “prohibited content” to SMART investigators.

If any SMART member receives prohibited information, the investigator receiving the prohibited 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 or jurisdiction deems such action unnecessary.

While both the criminal investigation and the administrative investigation are important and should be aggressively pursued, investigative conflicts between the two processes shall be resolved by allowing the criminal investigation to have priority. It is intended that this will preclude competition between the two processes for access to witnesses, physical evidence, the involved parties, and that it will prevent the criminal investigation from being compromised by an untimely exercise of the Employer Agency’s administrative rights.

## ***PUBLIC INFORMATION/MEDIA RELEASES***

The SMART Commander will designate a Public Information Officer (PIO) at all investigation scenes to coordinate communication with media outlets. The PIO serves as an information conduit to the organized media providing accurate, objective and factual responses to inquiries about the investigation.

Once SMART has been asked to lead the investigation, all media releases related to their work will be made by their designated PIO with approval of the Team Commander.

In cases of **police use of deadly force**, the SMART Family/Tribal Liaison or PIO will:

- Provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.
- Provide Community Representatives and the Liaison a copy of all press releases and communication to the media prior to release.
- Neither the Involved Agency, nor SMART will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.

#### **DEFINITIONS:**

1. **Media:** Media refers to all reporters, photographers, camera operators and others who are directly employed by media organizations and who hold valid news media identification.
2. **SMART PIO:** The SMART PIO is appointed by the SMART Commander and acts as a representative of SMART in official responses to the media.

#### **DUTIES OF THE TEAM PIO**

The general duties include but are not necessarily limited to:

1. Assisting news personnel in covering news stories at the scene of incidents;
2. Being reasonably available for on-call responses to the news media;
3. Preparing and distributing agency news releases;
4. Arranging for and assisting at news conferences;
5. Coordinating and authorizing the release of information about victims, witnesses, and suspects;
6. Coordinating and authorizing the release of information;
7. Representing the SMART organization rather than affiliating with one's employing agency.

## **SMART PERSONNEL AUTHORIZED TO SPEAK TO THE MEDIA**

- A. Whenever possible, media requests for an interview will be referred to the Team's PIO.
- B. At incidents where the media is on-scene and a PIO is not immediately available the Team Commander or his/her designee may provide preliminary statements to the media.
- C. In the event the media does not respond to the scene of a SMART investigation but still contacts the affected agencies requesting information, the media will be instructed to first contact the Team's PIO assigned to the investigation.
- D. The Team PIO will be available for after-hours call-out for significant and/or breaking news events after hours, on weekends and holidays.

## **CALL OUT NOTIFICATION OF THE SMART PIO**

- A. A SMART call-out will necessitate an assigned PIO.
- B. The lead SMART PIO will be responsible for ensuring the availability of at least one (1) PIO at all times.
- C. Upon activation of SMART, the on-call PIO shall respond as indicated and contact the on-scene Commander.
- D. Once designated, the SMART PIO will be responsible for media releases throughout the course of the Team's investigation as necessary, until the point of its completion.

## **ON-SCENE MEDIA CONSIDERATIONS**

Depending upon the magnitude of the scene or investigation, it may be necessary to assign an additional Team PIO for assistance. In these situations, the assistant SMART PIO will serve as an aid and assist in the delivery of information. In such situations, the duties associated with these assignments may include but are not limited to:

- 1. Lead SMART PIO Duties
  - Primary spokesperson for the SMART investigation
  - Liaison to on-scene SMART command staff
  - Determining and developing release of information for review and approval
  - Composing and posting of press releases

## 2. Assistant SMART PIO Duties

- Determine and develop release of information for review and approval
- Assist in composition of press releases
- Coordinating logistics for press releases
- Printing and distribution of press releases
- Returning phone calls
- Logistics and supply
- Posting information through electronic means

## **RELEASE OF INFORMATION**

- A. The Team PIO will compile the information that will be released to the media.
- B. Prior to releasing the information, the Team PIO shall consult with the SMART Commander or lead investigator to ensure that the information being released will not compromise investigation efforts.
- C. Releasable information should include the following:
  - a. General nature of the event that has occurred.
  - b. Where the SMART PIO can be contacted.
  - c. Amount and type of resources used/assigned unless it will hinder the investigation.
  - d. That medical aid or the Coroner has been called or is on-scene.
  - e. Any highway or road closures.
  - f. Areas closed to the public.
  - g. Evacuations of any number.
- D. Information normally released about suspects should include the following:
  - a. The suspect's age, sex, marital status, city of residence and occupation.
  - b. General details of the alleged offense.
  - c. Circumstances surrounding arrest including:
- E. Time and place.
- F. Resistance.
- G. Pursuit.
- H. Possession of Weapons.
- I. Information not normally released to the media shall include the following:
  - a. Suspect's name if not formally charged.
  - b. Information which may allow a suspect to avoid arrest or tamper with evidence.

- c. Admissions, confessions, or other contents of any statement or alibi relating to a suspect unless the alibi results in the suspect's release.
  - d. Results of investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory examinations.
  - e. Opinions about victims, witnesses, suspects or the strength of the case or any evidence to be used.
  - f. The home address or telephone number of any Team member.
  - g. The names of deceased persons, until released by the Coroner.
  - h. The names of juveniles, whether victims, witnesses, or suspects.
  - i. Prior arrests that did not result in convictions.
  - j. Any information that may reveal the identity of a victim of sexual assault.
  - k. Prior convictions or other information known to be a part of public record with the approval of the SMART PIO or Commander – released only if specifically requested and required under the Public Records Act.
- J. Names of victims and witnesses will not be released to the media. Any information released pertaining to victims and witnesses will be confined to age and gender. Any exception to this directive must be approved by the Team Commander.
- K. Release of suspect photographs shall be in compliance with current RCW's and WAC's governing release of such information.
- L. The release of immediate, on-scene information of involved employees will be confined to the employee's age, gender, rank, tenure, and bureau of assignment.

## **MEDIA ACCOMODATION**

- A. Perimeter units shall endeavor to accommodate the media by establishing appropriate media staging areas. Accommodation shall not interfere with the Team's work or endanger media members.
- B. Members of the media should be greeted as soon as time permits. They should be informed:
  - a. That a briefing will be provided;
  - b. When and where the briefing will be; and
  - c. Location and type of any reasonably foreseeable hazards or dangers to them.
- C. Participating agencies should not interfere with media photographers as long as the photographer is where he/she has a right to be and neither the photographer nor their equipment interferes with the investigation.

- D. Arriving media should be directed to parking areas that will not interfere with the Team's investigation.

## **MEDIA TRAINING**

- A. The Team's PIO shall be a trained member of SMART.
- B. At a minimum, the Team PIO will have successfully completed a basic PIO training course. It is recommended that PIO's also successfully complete advanced training courses in public information delivery.

## ***INQUESTS***

In accordance with the State Law, and notwithstanding provisions otherwise, the County Coroner of jurisdiction shall have authority to determine whether an inquest will be held in any incident involving a fatal Injury.

## ***ACCESS TO REPORTS AND EVIDENCE***

- A. Material that is created or collected by, or at the request or direction of, SMART investigators (including the Crime Lab/Ident Lab) will be made available to those agencies that have an interest in the investigation, including the Administrative Investigation, in a manner consistent with applicable State Law.
- B. Examples are:
  - 1. Reports, written and collected;
  - 2. Access to physical evidence;
  - 3. Photographs, diagrams and videotapes; and
  - 4. Audio recordings
- C. When SMART, the Prosecutor's Office of jurisdiction and SMART Legal Advisors conclude that the retention of physical evidence collected by the *criminal* investigators is no longer necessary, the Employer Agency shall be notified of that decision so it can assume responsibility for preservation of such evidence if it desires.

## ***PUBLIC DISCLOSURE REQUESTS (PDR's)***

Multiple agencies are involved when SMART is activated. Each agency's investigators submit reports detailing their involvement, using the case number assigned to the SMART.

The Skagit County Sheriff's Office will be designated as the custodian of the complete SMART investigation case file (which includes all of the reports associated with the incident) unless they are the involved agency in a law enforcement-involved fatal or serious injury incident investigation. In such case, the SMART Commander will determine the agency designated as custodian of the SMART investigation case file.

The following steps are noted to provide general guidance for responding to PDR's, and may be subject to change, should circumstances dictate:

- A. Receipt of PDR for SMART records – Response – Notification to SMART Commander.** Any time a law enforcement agency or the Skagit County Prosecuting Attorney's Office receives a public disclosure request (PDR) requesting SMART investigation records, that agency will respond to the request per their department guidelines and as required by statute. In addition, however, a courtesy copy of the PDR will be sent to the SMART Team Commander.
  
- B. Response to PDR for SMART records.** Upon receipt of a notification of a PDR from another agency, the SMART Commander will provide notification to the designated Public Disclosure Manager. As noted above, each agency receiving a PDR will still need to respond to the requestor per their department guidelines and as required by statute, however responding agencies will also include in their written response a paragraph identifying:

*“The (Skagit County Sheriff's Office or other designated agency) is the file custodian for the Skagit & Island Multiple Agency Response Team. Please contact them to obtain a full copy of the case file and any associated reports.”*



*Skagit County Sheriff's Office*  
*600 South 3<sup>rd</sup> Street*  
*Mount Vernon, WA 98273*  
*(360) 416-1911*  
*(360) 416-1924 fax*  
**Email: sheriff@co.skagit.wa.us**

OR

*(Other Designated Agency)*

The outcome of this process might be that requestors of SMART investigations file one PDR with the SMART file custodian instead of requesting records from all of the assisting agencies individually. If an agency possesses any case reports associated with a SMART investigation, that agency must process that request in accordance with the state statute.

(By law, the agency's response must be to (a) provide the records within the required 5 day timeline; (b) acknowledge receipt of the request and provide a reasonable estimate of the time needed to respond; or (c) deny the request. It is assumed for the purposes of these guidelines that agencies will respond either by acknowledging receipt and estimating the time needed to respond (option b) or by denying the request (option c, e.g. if the investigation is still active).

- C. **SMART PDR Review Team - Representatives.** Upon delivery of a completed SMART investigation to the Skagit County Prosecutor's Office, the SMART Commander may, within 10 business days, convene a SMART PDR Review Team should a full team review be necessary. The SMART Review Team representatives will consist of the Public Disclosure Manager for the Skagit County Sheriff's Office (or other agency as designated) and the Public Disclosure representative from the Skagit County Prosecutor's Office. It should be noted that there may be a need to include additional members to the review team such as representatives from the involved agency and/or Case Manager. This will occur only as the incident or situation dictates, and will be at the discretion of the SMART Commander.

**D. SMART PDR Review Team - Members:**

- a. Skagit County Sheriff's Office (or other agency as designated)
- b. Skagit County Prosecuting Attorney's Office
- c. Additional agency representatives as identified

**E. SMART PDR Review Team – Review – Notification to Third Party Agencies – Opportunity to Review Proposed Response and Copies to Third Party Agencies.**

The Skagit County Sheriff's Office (or other agency as designated) Public Disclosure Manager, in coordination with the Skagit County Prosecuting Attorney's Office public disclosure representative will review the entire SMART case file to determine which documents and information are exempt from public disclosure per state law. If the SMART case file contains reports generated using any non-SMART case numbers, those agencies will be given the opportunity to review the SMART PDR Review Team's proposed response and seek an injunction or other court order barring the requestor from obtaining the third party agency's report, if appropriate. If third party agencies do not object to the release of their reports, (or if no response is received), the Skagit County Sheriff (or other agency as designated) Public Disclosure Manager will provide any affected third party agency an electronic or hard copy of the response to the PDR for that agency's report(s).

**F. SMART PDR Review– Agency Assist Reports.**

All original reports will be submitted using the SMART case number, and not their own agency case number. It is then recommended that the report be entitled "Agency Assist," and any narrative simply refer to the designated SMART case report. An agency in possession of an Agency Assist report making reference to a SMART investigation is required to respond to any PDR's per the state statute. As noted in 'B' above, an agency receiving a PDR for a SMART investigation may refer the requestor to the Skagit County Sheriff's Office (or other agency as designated) if that agency possesses no relevant records.

**G. Timelines.**

The Skagit County Sheriff's Office (or other agency as designated) Public Disclosure Manager will strive to process all PDR's for SMART case files in 25 business days or less. Factors such as length of the reports, notification of affected third parties and legal action contesting disclosure may all impact the ability to meet this target. If the SMART PDR Review Team is convened, the target to begin reviewing the records, and notification of third party agencies is 15 business days from the team's first meeting.

## ***CONFIDENTIALITY***

SMART investigators, including SMART PIO's, shall not share information considered "Confidential" with individuals other than SMART investigators.

A. Information considered confidential:

1. Documents related to the SMART investigation.
2. Verbal statements or conversations related to a SMART investigation.
3. Information that would compromise an investigation.

B. Information not considered confidential:

1. Information shared with venue agencies and individuals that SMART has been requested to assist in an investigation. The amount of information shared shall be no more than that information which is pertinent to their role in the investigation.
2. Information shared by the SMART Commander and/or Supervisors with the involved agency's administration that does not compromise an investigation, and is consistent with applicable State Law.
3. Information cleared by the SMART Commander for release.
4. SMART Protocol with Member Agencies.

## ***BODY WORN CAMERAS***

Members of SMART may be assigned body worn cameras by their parent agencies. Parent agency policies regarding the activation and use of body worn cameras vary from agency to agency. To ensure consistent practices and expectations on the activation of body worn cameras by SMART members during active SMART investigations, the SMART executive board has approved SMART members to work under this protocol for body worn camera activation.

SMART members participating in an active SMART investigation may carry a parent agency assigned and approved body worn camera. Members shall be trained by their parent agency to use any such assigned body worn camera. SMART members shall wear their body worn camera during an active SMART investigation any time the SMART member or a SMART supervisor believes that such a device may be useful or as required by law. SMART members participating in an active SMART investigation may activate their assigned body worn camera when it serves an investigatory purpose where audio/video recording is needed and shall activate/deactivate their body worn camera as required by law or at the direction of a SMART supervisor.

All SMART members participating in a SMART Investigation will follow the requirements set forth in RCW 10.122 the "Washington State Electronic Recordation of Custodial Interrogations Act" and may use body worn cameras to meet this requirement.

SMART members shall follow all other parent agency policies related to body worn cameras, outside of the above stated procedures, to include but not be limited to deactivation of recordings, informing the public of activations, body camera training, and considerations for willingness of those being recorded in accordance with RCW 10.109.010.

END OF DOCUMENT

**SKAGIT & ISLAND COUNTY**

**Multiple Agency Response Team**

**INVESTIGATOR  
RESPONSIBILITIES**

**Table of Contents**

Initial Arrival On-Scene Responsibilities.....	1
Case Manager Guidelines.....	2
Coroner Coordination.....	4
Collecting/Packaging (Deceased).....	5
Interviewing/Obtaining Statements.....	5
Canvassing Tasks.....	6
Processing Officers.....	6
Photographic Documentation of Officers.....	10
Hospital Scenes.....	17
Evidence Packaging.....	17
Equipment List.....	17
ADDENDUM – Forms & Checklists.....	20

## **INITIAL ARRIVAL ON-SCENE**

1. **Assume investigative command** until the SMART Supervisor & Commander arrive.
  - a. Coordinate transition with first responder Supervisor/Commander on-scene.
  - b. Obtain a quick overview of what's occurred.
2. Determine that the **scene is secured**.
  - a. It's safe.
  - b. Notify incoming Team members IF the scene is not secure.
  - c. Suspects, witnesses and others involved are separated.
3. Establish **scene perimeters**.
  - a. Inner scene – where the critical event occurred. Appropriately taped off and staffed with patrol personnel to keep any non-essential persons out.
    - i. Establish a single entry/exit point.
    - ii. Crime Scene log listing everyone who enters or leaves.
  - b. Staging scene –
    - i. Law enforcement only.
    - ii. Next to the inner scene.
    - iii. Location to stage SMART vehicles and equipment.
  - c. Set wide perimeters. (Easier to shrink them down later.)
4. Determine if **any critical evidence could be lost or damaged** due to conditions.
  - a. Consideration: Blood, fluids, transfer marks, water degradable, etc.
  - b. Cover the evidence if it can be properly protected and remain in place.
  - c. Attempt to photograph prior to taking steps to cover or collect it.
  - d. It's more important to save evidence than risk losing it for a photograph.
  - e. Attempt to document the evidence's location prior to movement.
  - f. If evidence is moved:
    - i. Document time, location, who moved it & ensure proper storage/packaging.
  - g. Check weather forecast as needed.
5. Determine if there are **any critical people issues**.
  - a. Are there victims, witnesses, suspects or involved officers having critical information that **need** to be removed from the area?
  - b. If so, request Patrol Commander to replace those with un-involved officers.
  - c. Attempt to have any critical person removed from the scene accompanied by an officer from an un-involved agency.
  - d. Photograph, document and collect any evidence that may be associated with this person.
  - e. Keep critical witnesses, victims, suspects, or officers separate from each other.
6. Prepare a briefing for the SMART Supervisor when he/she arrives.

## **CASE MANAGER GUIDELINES**

The Case Manager is an Investigator(s) selected by the SMART Supervisor to be responsible for tracking and maintaining a working knowledge of the entire case from the investigation stage through prosecution. Case Managers are typically selected at the on-set of a callout and remain in this role until relieved of the responsibilities.

Generally speaking, the Case Manager should try to avoid getting bogged down with specific investigation tasks. It is important that he/she remain free to receive information from all investigative sources involved in the case. The SMART Supervisor and Case Manager should communicate regularly to ensure all pertinent information is passed on.

Even though certain tasks may require assigning a Lead investigator to oversee work in a particular area (hospital, interviews at a department, etc.) each case will only have one Case Manager with a designated Co-Case Manager.

Sometimes the Supervisor cannot make this assignment until all Team members have arrived and more facts are known. In any circumstance, the Case Manager should be identified and informed as soon as possible.

### **Information needed upon arrival at the scene:**

#### **Get Organized**

- ✓ Involved Agency case number.
- ✓ SMART Team case number.
- ✓ Current assignments for SMART Investigators.
- ✓ Identify who from the Involved Agency is in charge of the scene and who, if different, will remain at the scene as the Involved Agency liaison during the investigation. Make sure this person(s) knows you are the Case Manager and provide them with case numbers and your contact information.
- ✓ Identify and determine the location of officer(s) related to this incident (both witness officers and involved officers).
- ✓ Identify and determine the location of critical witnesses or suspects.
- ✓ Identify and make arrangements for a witness officer or responding officer who has enough information to provide other Team members with a briefing and walk-through of the scene.

### Identify the Scene(s)

- ✓ Specifically where incident occurred
- ✓ Any vehicles
- ✓ Hospital
- ✓ All parties
- ✓ Off-site interview location(s)
- ✓ Other

### Evidence

- ✓ Determine where evidence will be housed and have that agency notified.
- ✓ Identify the critical area(s) to be considered the crime scene and check to see that it has been properly taped off and that scene security is in place.
- ✓ Make sure that no persons enter the critical areas unless doing so for legitimate investigative purposes.

### Search Warrants

- ✓ Determine if there is a need for a search warrant. (If there is any question about an investigator's right to be there and process for evidence, a search warrant should be obtained).
- ✓ Consult with the Prosecutor as needed.

### Briefing

- ✓ Ensure situational briefing occurs prior to task assignment.
- ✓ After the briefing participate in a walk-through of the scene again with a reliable source so that evidence and specific locations can be pointed out.
- ✓ Discuss with and provide input to the SMART supervisor about specific investigative assignments.

### Assign Tasks

- ✓ Assist the SMART supervisor in assigning initial tasks to Team members including:
  - Citizen eye witnesses. (Note: if citizen witnesses are taken from the scene it is best they are taken to a different location than the officers involved.)
  - Officer interviews/processing.
  - Any area canvassing needs.
  - Search warrant needs.
  - Crime scene photography/video. (Note: May be the same investigator however it is much faster if two investigators are used.)
  - Crime scene mapping.



- Evidence officer. (Will assume responsibility for all evidence and evidence logs until they are turned over to the designated property room(s).)
  - Evidence collection/packaging.
  - Any special processing needs such as State Crime Lab Response Team.
  - PIO - Media releases.
  - Special equipment needs.
- ✓ Any Investigator assigned Lead responsibilities, for a specific area, should provide regular updates and coordinate progress change.

#### Notifications

- ✓ Prosecutor
- ✓ Coroner (Coordinate the Coroner response to the scene).
- ✓ Your Department – “You’ve been called out”

#### Involved Officer Scene(s)

- ✓ Know what is developing at these scenes.
- ✓ Request Leads provide regular updates to you on what’s occurring.

## ***CORONER COORDINATION***

#### **Considerations:**

- ✓ The body has been properly documented.
- ✓ The scene has been sufficiently processed.
- ✓ All evidence directly around the body should be located and collected prior to Coroner arrival. Photographs are available to the Coroner if needed.
- ✓ Request the Coroner respond and provide them access to the body.
- ✓ Note the names and times of Coroner staff when they arrive.
- ✓ Make sure there is a large enough area around the body for the Coroner and staff to process the body without disturbing un-collected evidence.
- ✓ Brief them on the facts of the case known to this point and provide them with an opportunity to walk through the scene and observe critical evidence/information.
- ✓ When they are ready to process the body, limit the on-lookers to only those necessary to assist the Coroner.

## ***COLLECTING/PACKAGING/NOTIFICATIONS (Body)***

### **Deceased:**

- ✓ An assigned Investigator, a photographer, and one additional Team member should be sufficient to help with any evidence.
- ✓ A Team member (usually the same as the scene photographer) should be assigned to photograph the processing of the body (the photos should be limited to generic overview and specific wound type photographs).
- ✓ Note any significant evidence found on the body by the Coroner examination and be prepared to accept any evidence that he/she decides to turn over.
- ✓ Provide the Coroner with deceased identification information and/or next of kin information when the body has been packaged and removed from the scene.
- ✓ Determine who will make any family notifications. (Work with the Coroner to have family notifications done by or participation by SMART members so statements and background information can be obtained.)
- ✓ Find out scheduling for autopsy times and discuss any special concerns about autopsy issues.

### **Crime Scene:**

- ✓ Make sure all evidence has been located, photographed, collected, and packaged based on best practices.
- ✓ Make sure that Total Station (or other mapping software) has measured the scene so that a drawing can be produced.
- ✓ Collect any original documents from witnesses or investigators.
- ✓ Make sure that the evidence will be properly transported and booked and that evidence logs are properly produced.
- ✓ Conduct a final walk-through of the scene to see that items have not been overlooked and that equipment and garbage has not been left behind.
- ✓ Arrange for and participate in a de-briefing including all available SMART personnel.

## ***Interviewing & Obtaining Statements***

### **Citizen Witnesses**

1. Preferred to have two investigators present during each interview.
2. Obtain complete information regarding the witness's identity and alternative contact numbers.
3. Record statements whenever possible and have them transcribed.
  - If recording is not practical, help the witness document it in writing.
  - Comply with legal recording requirements.
  - Test the recording device prior to starting.

4. Identify all persons present during the recorded statement.
5. Watch the recording device/time carefully to make sure none of the statement is missed.
6. When the statement is complete:
  - Digital recordings should be downloaded to USB storage or CD/DVD and impounded.
  - Have the statement transcribed and reviewed by the interviewing investigator.
  - Each transcript should be reviewed and corrected by the investigator.

### ***Canvassing Tasks***

- ✓ Define the area to be canvassed.
- ✓ Create a grid or system to ensure all areas are covered thoroughly.
- ✓ Document each household that you attempt to canvass.
  - Names of persons interviewed
  - Other household members who may have information about the incident
- ✓ Obtain a statement from any person in the household that has information about the incident or pertinent background information.
- ✓ No one home at a residence:
  - Leave a business card requesting a call.
  - Document the addresses where no one answered.

**SEE FORMS:            Neighborhood Canvas Log**

### ***Processing Officers***

At least two investigators should be used to process the involved officers unless it's deemed impractical. One investigator can be sufficient when processing a witness officer(s).

**\*\*\*\*Important: Keep note of times you make contacts and complete tasks.\*\*\*\***

#### **Prior To Contacting Officers:**

- ✓ Find out the officers locations and who is with them currently. Ask about any other visitors (administration, spouses, peer support, lawyers, etc.).

- ✓ Find out if there are any medical/emotional concerns.
- ✓ Find out if there are any immediate evidentiary concerns that need to be addressed (blood on person, O.C. exposure, etc.).
- ✓ Determine each officer's level of involvement in the incident.
- ✓ Brief the person responsible for the officer's care as to your plan.
  - This person could be a supervisor, peer support or union representative. It is generally someone that is assigned by his department to look out for the needs of the officer or coordinate the process at the precinct/station.
  - Ask if they are waiting for the arrival of anyone that will delay the processing of the officer. This could be the arrival of a requested legal representative but asking directly if an attorney had been called could appear to be suggestive.
  - Advise them where the processing of the officer, photographs and evidence collection will take place.
- ✓ Determine if officer will need a change of clothes. If so, make arrangements to have that done before moving forward with processing.
- ✓ Identify any weapons or equipment that played a significant role in the incident. Ask if any items or equipment have already been collected from the officer. Determine and document the chain of custody for any items already collected. Ask if anyone is aware of the officer altering his appearance or uniform. Note any changes.
- ✓ Confer with the Case Manager or Lead Investigator at the scene for any additional information that will assist in processing the officers. Pass on any new information learned to the SMART Supervisor and Case Manager.

### **Contact with Officers:**

- ✓ Meet with each officer individually. Allow them to have their attorney, peer support or union representative with them, if requested. Keep in mind that having too many people in the room can become detrimental.
- ✓ Make introductions. Advise the officer of your purpose and expectations. Give brief explanation of SMART and its role in the investigation.
- ✓ Allow the officer the opportunity to ask questions about the process.
- ✓ Details of the incident or investigation should not be shared with the officer at this time with one exception. If the officer asks, it *would not be inappropriate* to briefly answer questions about the injured subject's medical condition.

### **Checklist:**

*Ask the officer about any medial or emotional issues that need to be addressed prior to starting.*

- ✓ Ask officer if his appearance has changed since the incident. Note his appearance at the time of initial contact and document any changes he identifies. Ask the officer to return his appearance as close as possible to what it was at the time of the event.
- ✓ Photograph the officer to document his appearance.
  - Take full-length photos from all sides.

- Take close-up photographs of any evidence or defects on the officer's uniform.
- Document any injuries. Take photographs including close-ups with scale.
- ✓ Ask officer if he has any injuries that are not readily visible. For example, a bruise or cut under his pants leg or shirtsleeve.
- ✓ Determine what items will be collected as evidence.
  - Start with outer gear such as gloves, helmets, coats, etc.
  - Collect web gear if it is damaged as a result of the incident or has evidence on it.
  - If you are unsure about the necessity of collecting an item, it is best to collect it at that time. At the investigative debriefing the evidentiary value of the item can be discussed and the item can easily be released back to the officer if it is determined to have no value to the investigation.
- ✓ It is okay to release items not used in the incident as well as personal items, such as keys, pagers, cell phones, etc.

### Seizing/Not Seizing Duty Weapons

- ✓ If you decide not to seize the officer's weapon, the weapon should still be examined and documented.
  - Photograph the weapon and record the serial number.
  - Inventory the number of rounds in the weapon.
  - Stay with the officer to maintain chain of custody during any clearing process (i.e. if the officer moves to a clearing barrel).
- ✓ If the officer's weapon was used, impound it and the spare magazines as evidence.
  - First photograph the weapon in its holster and note any evidence or defects on the weapon if possible.
  - Refrain from examining the weapon in the presence of the officer. The weapon can be put aside while completing the process.
  - Before impounding, photograph the weapon and document the serial number.
  - Make the weapon safe.
  - Inventory each magazine. Photograph each magazine and its contents. Include a note in each photograph to specifically identify the item.
- ✓ Ask the officer if he/she is carrying a back-up weapon.
  - If so, photograph the weapon in its holster.
  - If the incident involves shots fired by the officer, it is recommended that the back-up weapon also be seized and processed in the same manner described above.
- ✓ Ask the officer if they would be willing to provide investigators with the total number of rounds the officer normally carries in the impounded weapon(s) and/or the number of shots fired. This information can be helpful in processing the scene for bullet strikes and shell casings.

### Collecting Uniforms

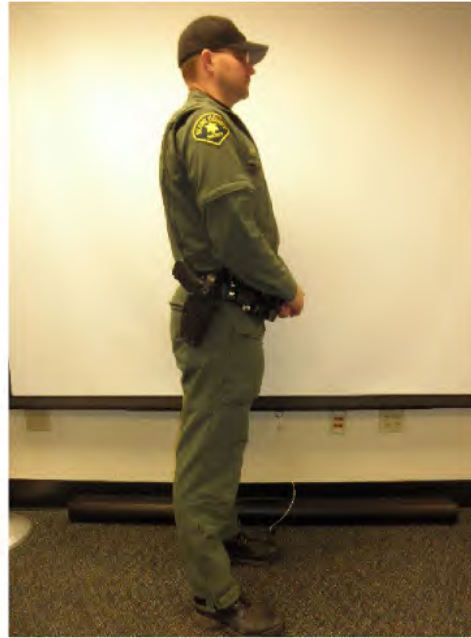
- ✓ Collect the officer's uniform, if appropriate. As a general rule, if the incident involved hand-to-hand combat between the officer and the injured subject, the officer's entire uniform should be collected as evidence, including boots, gloves and web gear.
  - Make note and document obvious evidentiary issues such as dirt, tears or blood.
  - If investigating a shooting incident where the officers were too far away from the injured subject to result in any evidence transfer, photographing the officers' uniforms is generally sufficient and collecting their uniforms is not recommended.
- ✓ Document collection time and collection party for each item impounded.
  - Make sure all evidence is individually photographed and packaged appropriately.
  - *Never tell the officers that items will be returned soon.*

### Statements

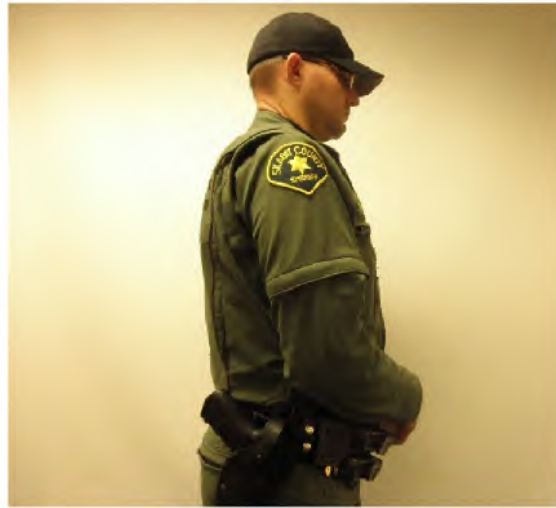
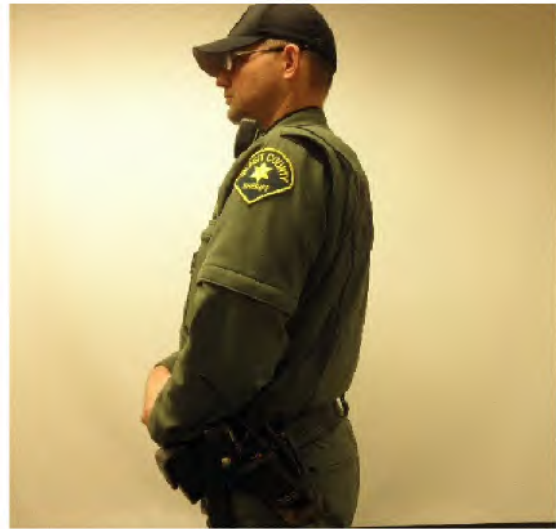
- ✓ Offer the officer the opportunity to provide a voluntary statement. If the officer wants to give a statement, conduct an interview and collect a statement. Recorded statements are recommended if the officer consents.
- ✓ If the officer declines to provide a statement at that time, find out when and how the officer can be contacted later. Ask about his normal shift hours.
- ✓ Provide the officer with a business card.
- ✓ Refrain from making comments regarding the legal justification of the shooting, such as, *"This appears to be a good shooting."*

## *Photographic Documentation of Officer*

### **1. Overall photos identifying subject, all sides.**



**2. Closer overall photos identifying subject, all sides, upper half.**





**3. Closer overall photos identifying subject, all sides lower half.**



**4. Close up of shoe wear.**



**5. Close ups of gun belt and equipment, all sides.**



**6. Close ups of hands, both sides.**



**7. Close ups of duty weapon and magazine clip, both sides.**



8. Close ups of spare magazine clips and round count.



9. Close ups of other equipment.



## ***Hospital Scenes***

- ✓ Find out who is with the officer or injured subject.
- ✓ Identify immediate evidentiary issues.
  - Determine if any items were already removed from the officer or injured subject.
  - Establish chain of custody for any items removed from the individuals.
- ✓ Obtain written statements from the responding fire/medical personnel.
- ✓ Obtain any verbal information from the hospital staff.
- ✓ Take photographs, if possible.
- ✓ Determine surgery issues. Make arrangements for the recovery of any bullets or other evidence.
- ✓ Identify any family members or witnesses that might be present. Obtain written or recorded statements, if possible.
  - Provide family members with Case Managers name and contact information.
  - Give brief explanation of SMART and the purpose of investigation.
  - Get contact information from family members.
- ✓ Obtain contact number for hospital or location where patient's follow-up care will occur.
- ✓ Identify any security needs for individuals remaining in the hospital.
- ✓ Consider obtaining the injured subject's admitting blood sample, which can be helpful later on for toxicology issues.

## ***Evidence Packaging***

Evidence collected will be packaged and entered in accordance to the procedures of the agency responsible for storage.

## ***Equipment List***

The following is a list of useful equipment needed for crime scene processing:

### Personal Protection

- ✓ POLICE/SHERIFF Identifiers (Coat, coveralls, wallet badge/ID)
- ✓ Cold weather clothing
- ✓ Water resistant clothing
- ✓ Jumpsuit
- ✓ Change of clothing
- ✓ Water proof boots

- ✓ Leather gloves
- ✓ Umbrella
- ✓ Latex or rubber gloves

### Equipment

- ✓ Finger printing equipment
- ✓ Tape measure (2), at least 25 feet
- ✓ 100' Tape
- ✓ Flashlight
- ✓ Extra flashlight batteries
- ✓ Machete
- ✓ Outdoor/indoor thermometer
- ✓ Compass
- ✓ Tape recorder/extra batteries
- ✓ Tapes
- ✓ Small pry bar
- ✓ Small shovels, trowels, rakes
- ✓ Camera, film, cards, batteries
- ✓ Video camera
- ✓ Respirator

### Supplies

- ✓ Evidence bags & envelopes of different sizes
- ✓ Evidence placard/tents
- ✓ Pens and marking pens
- ✓ Can(s) of spray paint for marking evidence, etc.
- ✓ Gun boxes, short (long boxes may not be practical to carry in cars).
- ✓ Knife boxes
- ✓ Swabs and distilled water
- ✓ Booties (stay away from the paper variety)

### Forms

- ✓ Statement
- ✓ Consent to search
- ✓ Search warrant and affidavit
- ✓ Return of Service
- ✓ Constitutional rights
- ✓ Recorded Interview
- ✓ Neighborhood Canvas Checklist
- ✓ Tribal Liaison
- ✓ Family Liaison
- ✓ Conflict of Interest Assessment

Other

- ✓ Phone lists
- ✓ Snacks, water, juice (items that keep for a few months)
- ✓ Bug repellent
- ✓ Favorite headache medicine
- ✓ Disinfectant wipes or lotion
- ✓ Paper dust mask(s)

END OF DOCUMENT