



**October 28, 2024**

**Greetings from your Executive Director:**

There are a lot of things going on as we head into fall, and here are some updates:

**OII December 1, 2024 start up in Region 1:**

The Office of Independent Investigations (OII) has indicated it will begin responding to officer-involved deadly force incidents in Region 1 starting Dec. 1. There have been concerns raised about some OII procedures which are still being developed and have yet to be sent out, potential liability for IIT (Independent Investigative Team) investigators working “under” any OII direction, ensuring that the OII teams are conducting any portions of the investigations competently and with transparency, and other issues. We have had the OII staff and Director Rogoff at our conferences frequently, and have provided panels and opportunities for feedback and questions as the development of the team has moved forward. Our board also set up an Ad Hoc OII/IIT Committee, co-chaired by Mt. Vernon Chief Dan Christman and Clark County Sheriff John Horch. There have been ongoing regular IIT meetings where these topics, concerns and feedback have been discussed. Also, the OII Office has advised they will be sending out expected additional procedures before the conference- I believe those were originally scheduled to be sent Oct. 15.

At the same time, several Sheriffs have discussed and expressed concerns about the authority of the OII as it compares to the authority of the Sheriff in investigation of crimes within the county. You may be aware that Skagit County Prosecutor Weyrich recently sent the OII a [letter](#), laying out his concerns and expectations of any potential OIS in that county. This is provided only for your information. At the same time, other executives have expressed their opinion that conversations and feedback with OII have been beneficial and they will work through issues as they arise, and others have indicated that they will be working with OII to provide an avenue to ensure that the teams are working effectively, while still maintaining the separate and independent nature of the investigations, as the statute intends.

All of these perspectives are happening at the same time and individual executives will make decisions and communicate with OII as you have the discretion to do. WASPC will provide maximum information so you can make the best decision for your agency, officers and deputies, public trust, and public safety

in your community. A dedicated panel at the November conference with OII will include both IIT members and staff from OII to help answer outstanding issues and concerns. This will provide an additional opportunity for you to get questions answered at the conference.

### **Elections:**

In the last few weeks, we posted interviews with both Congressman Reichert and Attorney General Ferguson ([link](#)) to get their specific proposals and responses on public safety issues for the upcoming election for Governor. While WASPC is a non-partisan association and does not endorse candidates, we support balanced and effective public safety policies and laws, of course. I encourage you to read [this](#) opinion column about the dynamic within our legislature in regard to public safety. It has been clear that more extreme voices on public safety have created policies with unintended consequences and higher crime, and that voices in both parties that support balanced public safety policies, and meaningful consequences for criminals, have been less supported. Following the election, keep an eye on how the dynamics of those who support balanced public safety, [in both parties](#), are treated and whether they continue to be marginalized. This dynamic will have a significant impact on whether we can improve the public safety climate in this state.

### **WA Supreme Ct. Public Defender Rule Change Comments:**

Many of you have been paying close attention to a rule change the State Supreme Court is considering which would drastically reduce public defender caseloads, with predictable and very negative effects on public safety. If you have not provided input and comments to the Court for their review, [here](#) is the link to offer your perspective. These are due this Thursday, Oct. 31. [Here](#) is a draft letter for you to use as a basis for comments, if you wish- please make sure to fill in the yellowed highlighted portions, and of course make any other changes as you see fit. Finally, we strongly encourage you to communicate to affected stakeholders in your area, such as County Commissioners, City Council members, community members and others to provide input as well. For your information, [here](#) is the letter sent to the Court from the WA Association of Prosecuting Attorneys which makes some excellent points and provides additional background on some of the negative outcomes we would see. [Here](#) is an excellent example of public outreach in Clallam County and Port Angeles. Any questions please let us know.

### **AI:**

The issue of using Artificial Intelligence (AI) to generate reports from body cameras, to generate reports from other information, or for other uses to enhance efficiency and accuracy is a huge topic right now. We are looking to do a session on AI at an upcoming conference. In King County, the Prosecutor's Office has told agencies that they will not accept reports produced with the assistance of AI. Here is their explanation for your information:

*To our Law Enforcement Partners:*

*Recently we have been asked by a few law enforcement agencies about our position of their proposed use of AI to help generate police reports. Some have questions about Axon's Draft One, and others about other AI programs such as ChatGPT. The short answer is that our office will not accept any police report narratives that have been produced with the assistance of AI. All reports must be produced entirely by the authoring officer.*

*There are a number of reasons why we have arrived at this conclusion. Let me first start by saying we are keenly aware of how time-consuming it is to write police narratives. We also understand that staffing levels are extremely short in some departments, and there is a real need to free up as much time as possible for officers to be on the street. We are also aware that AI is here, and is already in many products we all use every day (Google Translate, Adobe, etc.). We do not fear advances in technology – but we do have legitimate concerns about some of the products on the market now.*

*In general, most products are not Criminal Justice Information Services (CJIS) compliant. By law, aspects of law enforcement work must remain private and are forbidden to be disseminated outside our community – separate from what is available through public disclosure. Publicly available applications like ChatGPT and others take the information submitted and then use it to learn and disseminate. That runs afoul of CJIS prohibitions.*

*However, there are some products that are CJIS compliant that still pose significant concerns as to how they may negatively impact officers and any case in which these reports are used. Axon Draft One is one such product. There are a number of concerns we have raised with Axon about their product that remain unaddressed. Unfortunately, these concerns will likely result in many of your officers approving Axon-drafted narratives with unintentional errors in them. Axon relies on its technology to review body worn audio to compile a draft narrative. It does not keep a draft of what it produces or what the officer fixed/added. It alone decides what parts of the audio are unintelligible. It has “hallucinations” (errors) both large and small. It does not track its rate of errors, or how many errors an officer fixed in prior drafts. While an officer is required to edit the narrative and assert under penalty of perjury that it is accurate, some of the errors are so small that they will be missed in review. In one example we have seen, an otherwise excellent report included a reference to an officer who was not even at the scene. This is one type of error that could easily go unnoticed by a reviewing officer given the volume of material required to be reviewed on deadline. And when an officer on the stand alleges that their report is accurate –*

*they will be proven wrong. When they then claim AI made the error, there will be no draft report to confirm that it was AI that made the error.*

*For obvious reasons, we do not want your officers certifying false police reports. The consequences will be devastating for the case, the community, and the officer. Furthermore, it will subject them to Brady/PID ramifications and leave them without a way to establish that theirs was an error of oversight, and not falsehood.*

*Members of the King County Prosecuting Attorney's Office have met with Axon to raise these concerns and others. We also sit on a national committee of prosecutors who are working to address AI concerns – which are being raised nationwide. There will likely come a day where AI can assist our offices in important and time-saving ways. For the reasons outlined, this particular usage is not one we are ready to accept. AI continues to develop and we are hopeful that we will reach a point in the near future where these reports can be relied on. For now, our office has made the decision not to accept any police narratives that were produced with the assistance of AI. Please reach out if you have any questions at all. We are happy to discuss this further.*

I have also included a directive on AI use from [Fife PD](#) just as a resource so you can see what one agency is doing. This topic will evolve as understanding of AI and ways to utilize the technology to alleviate concerns like those raised by the KCPAO, are addressed. As always we will keep you advised as we learn more.

**Training:**

We are aware that the CJTC has stopped posting training notices- if you are aware of postings you would like included on the WASPC website please feel free to refer them to us- we can post those with a caveat that we do not “vet” or endorse specific training.

Thanks again for all you do- stay safe! Steve