



October 31, 2019

Greetings from Your Executive Director:

The Criminal Justice Training Commission (CJTC) has shared a preliminary copy of their most recent **draft rules for Independent Investigations**, which I have [attached](#). These are the product of several months of back-and-forth with the "Statutory Stakeholders" named in the law that followed I-940. We are one of many stakeholders, and while not all of our recommendations and changes were adopted, the CJTC did listen to many of our concerns and the end result is this draft.

In summary, the rules require that OIS investigations be what the initiative said they would be- independent, meaning no one from the involved agency may participate following the initial response and protecting evidence. The rules also require a lengthy process for determining the training and any conflicts of interest (real or perceived) of those doing the investigation.

The community stakeholder groups felt very strongly that there needed to be a civilian involved in the process, and some of the original proposals included civilians from community groups either leading the investigation itself, or being embedded with the investigators and having access to all scenes and evidence. That proposal was not adopted, but the CJTC, in an effort to be responsive to those concerns, did include a role for civilians to be part of a committee to review the qualifications and identify any conflicts of investigators involved in the case, as well as having access to briefings. We have raised concerns that this might be logistically difficult for smaller or more rural jurisdictions, and there will be communications concerns. The rules are written to require confidentiality. At this point, the designation of that civilian would be the responsibility of the Chief or Sheriff.

The rules also do make clear that the Chief or Sheriff will be able to release body cam or other video if they choose, and that a separate administrative investigation can occur directed by the department itself. There is also a requirement, in response to community groups, that the agency not initiate the release of criminal justice history information on the suspect to the media unless it is required by public disclosure and/or the media requests it. A family liaison is required and was also important to community groups.

Bottom line? There are many concerns and questions about the rules, but they are the result of the CJTC working to balance the goals of the law, the necessity for a workable system, and the concerns of both law enforcement and the community stakeholders. Here are a few additional comments and concerns from our perspective:

- The portion about the IIT not sharing any info with the involved agency may create issues with the ability of the involved agency to conduct their own administrative investigation. We need to be clear that an administrative investigation can still be conducted. I do believe that is what is intended;

- We need to be clear the family liaison keeping the family apprised does not require the disclosure of non-public information or information that could jeopardize the integrity of the investigation;
- The amount of training required for the IIT investigators may prove to be cumbersome for many agencies- we need to transition and take that into account.

I will plan to be at the hearing at the end of November. There are concerns in here but we appreciate the need for CJTC to address and balance the demands of the stakeholders. CJTC, including some Commissioners, will be conducting a panel and Q and A at the Chelan conference to get feedback before they vote on the final rules.

In case you had not seen this, **PERF sent out a [publication](#) on officer suicide** this week:

Here is a good [article](#) this week on the efforts and progress made on some **innovative programs by Sheriff Trenary in Snohomish County**:

Battle Ground Police **Chief Bob Richardson announced his retirement** this week- I am attaching the [excellent letter](#) he sent to his department members. Chief Richardson has been a great leader and supporter of WASPC, and we wish him all the best in his retirement!

Finally, Austin Jenkins from the Northwest News Network has done a **series of stories on deaths in jails**. This most [recent story](#) does a pretty good job of defining the overall issue. One of our messages has been that everyone wants to prevent problems in jails, but we need to pay overall attention to staff, training, budget and the physical structures of jails, and that our local elected policy makers and the state need to understand that- and we need to get away from the "gotcha", litigation-driven environment we have now.

Have a great week-

Work Hard- Have Fun- Stay Safe

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