



Office of the Washington State Auditor  
Pat McCarthy

## Compliance Audit Report

# Reviewing Investigations of Police Use of Deadly Force

## Kitsap Critical Incident Response Team – The Sean Howell Case

Use of Deadly Force Incident on May 9, 2020, at the Kitsap County Jail

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## Office of the Washington State Auditor

Pat McCarthy

September 28, 2022

Sgt. Mark Wilson  
Kitsap Critical Incident Response Team

### Report on Use of Deadly Force Investigation Audit

Attached is the official report on our audit of the investigation into the use of deadly force on May 9, 2020, that resulted in the death of Sean Howell.

The audit assessed the Kitsap County Jail and the Kitsap Critical Incident Response Team's compliance with state laws and rules regarding independent investigations of police use of deadly force as defined in WAC 139-12-030.

Our independent audits provide essential accountability and transparency regarding police use of deadly force investigations. These audits are valuable to the Legislature, law enforcement agencies and the public in assessing police accountability efforts.

If you are a member of the media and have questions about this report, please contact Director of Communications Kathleen Cooper at (564) 999-0800. Otherwise, please contact Use of Deadly Force Investigations Program Manager Michael Huynh at (564) 999-0831.

Pat McCarthy, State Auditor  
Olympia, WA

cc: Monica Alexander, Executive Director, Criminal Justice Training Commission  
Steve Strachan, Executive Director, Washington Association of Sheriffs and Police Chiefs

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## EXECUTIVE SUMMARY

### Results in Brief

Kitsap Critical Incident Response Team (KCIRT) investigators and county corrections officers involved in this incident complied with most requirements to ensure the investigation into Sean Howell's death was independent, transparent, credible and communicated timely to the public, as state laws and rules require. These requirements included relinquishing control of the scene to KCIRT once the investigation team arrived, making policies and procedures public, writing weekly press releases, and gathering and preserving evidence to applicable standards.

The audit found some instances when KCIRT and the officers involved in the incident did not follow state rules, as well as improvement opportunities for documenting compliance. Specifically, we found:

- KCIRT did not always notify Howell's family before sending press releases to the media. The incident commander said that Howell's family said it did not want to be notified unless KCIRT had new information.
- All press releases contained Howell's arrest offense information, which state law (RCW 10.97.030) defines as criminal background information.
- KCIRT did not have documentation showing that supervisors removed the involved officers from the scene, separated them, or directed them not to speak with each other about the case.

See **Appendix B** for a complete list of the requirements we reviewed and a summary chart of our assessment.

### Recommendations

We recommend KCIRT:

- Ensure it always notifies family members before sending press releases to the media, or maintain documentation showing the family did not want those notifications
- Ensure press releases do not contain criminal background information and arrest details about the person against whom deadly force has been used, unless the media specifically requests it

We recommend KCIRT's member agencies:

- Establish policies that prohibit involved officers from discussing use of deadly force cases with each other until they provide statements to the independent investigation team (IIT)

- Establish policies to ensure that use of deadly force incidents in correctional facilities are treated similarly to other use of force incidents. This should include a requirement to separate and remove involved officers from the scene, and document that this happened.

While performing the audit, we also identified areas where the Criminal Justice Training Commission (CJTC) can clarify its rules governing independent investigations. We recommend the CJTC:

- Update its best practices for homicide investigations every year, as required by WAC 139-12-030, and consider current best practices
- Amend WAC 139-12-030 to allow exceptions for required notifications of press releases if families request not to be notified
- Provide clear guidance to IITs on what constitutes criminal background information
- Provide guidance to IIT leadership on how to make sure investigators' backgrounds are free from misconduct or other dishonorable behavior that could jeopardize their objectivity

## BACKGROUND

### Use of Deadly Force Incident

The following summary of events is based on the investigation's case files:

On May 9, 2020, county corrections officers observed Sean Howell, an inmate at the Kitsap County Jail, attempting to tamper with a sprinkler head in the ceiling of his cell. When he became combative, multiple corrections officers entered the cell to move him to one without an exposed sprinkler head. The officers physically struggled with Howell for five minutes. During this time, they deployed tasers and pepper spray before restraining him face-down on the floor with his hands cuffed behind his back. They pulled him up and placed him into a restraint chair, which forces people to remain seated in one place with the goal of preventing harm to themselves or others. Four corrections officers—Juan Guerrero, Richard Campbell, Aaron Donahue and Gran Riley—bent Howell forward at the waist for nearly three minutes while he was in the chair. A fifth officer noticed Howell was not breathing, so officers removed him from the chair, and nurses who were already present began performing CPR. He was taken to the hospital and died on May 15, 2020, after being taken off life support. The Kitsap County Coroner's Office ruled Howell's death a homicide by restraint asphyxiation.

The Kitsap Critical Incident Response Team (KCIRT), an independent investigation team (IIT) that investigates police use of deadly force incidents in Kitsap and Jefferson counties, responded the day of the incident. Investigators from the Washington State Patrol took the lead in the investigation with assistance from the Port Orchard Police Department, Poulsbo Police Department, and Shelton Police Department. Early in the investigation, KCIRT investigators focused on asphyxia and contributing factors that would be consistent with that cause of death.

KCIRT completed the investigation on November 5, 2020, and submitted its case files to the Kitsap County Prosecutor. The prosecutor reviewed the case and announced on June 22, 2021, that he would not be filing charges against the corrections officers.

### Independent Investigation Teams

Voters approved Initiative 940 in 2018. It ensures that one of an IIT's key functions is to investigate police use of deadly force incidents. The initiative requires investigations of police use of deadly force be conducted by an agency completely independent of the one with the involved officer(s). Regional IITs allow law enforcement agencies to respond quickly to use of deadly force incidents while keeping the involved agency out of the investigation. IITs are made up of command staff, detectives and other crime scene investigators from law enforcement agencies in a given region. An IIT also consists of volunteers, called non-law enforcement community representatives, who help give the community perspective during an investigation.

Washington has 17 IITs throughout the state. Many of these teams existed before recent police reform and accountability laws, including Initiative 940, and allowed law enforcement agencies to pool resources for major investigations. Prohibiting the involved agency from participating in these investigations was meant to improve their impartiality and independence by preventing people who are more likely to have a personal relationship with the involved officers from investigating the incident.

The initiative tasked the Washington State Criminal Justice Commission (CJTC) with adopting rules to govern these investigations. The CJTC adopted Washington Administrative Code (WAC) 139-12-030, which requires independent use of deadly force investigations to meet four key principles:

- Independence – the involved agency cannot have undue influence or the appearance of undue influence on the investigation.
- Transparency – community members are able to assess whether the investigation is conducted in a trustworthy manner and complies with the standards defined in state laws and rules.
- Communication – the IIT must communicate the investigation’s progress to the public and family of the person killed or harmed by police use of deadly force.
- Credibility – use of deadly force investigations follow best practices for criminal investigations, and investigators meet necessary training requirements and demonstrate ethical behavior and impartiality.

## **Audit Objective**

State law (RCW 43.101.460) requires the Office of the Washington State Auditor to audit all investigations into police use of deadly force resulting in death, substantial bodily harm or great bodily harm.

To determine whether the Kitsap County Jail and KCIRT complied with state laws and rules in the investigation of Sean Howell’s death, we reviewed investigative files related to the case, reviewed training records held by the CJTC and member police agencies, and interviewed IIT members, including community representatives. We assessed the involved agency’s and IIT’s compliance with each of the requirements under the key principles in WAC 139-12-030. This included whether the IIT followed the CJTC’s published best practices for conducting homicide investigations.

This report outlines the steps the investigation team took to meet each of these key principles. **Appendix A** contains information about our methodology.

## AUDIT RESULTS

Appendix A outlines our Office's authority and methodology for this audit. In short, state law (RCW 43.101.460) requires the Office of the Washington State Auditor to audit all investigations into police use of deadly force resulting in death, substantial bodily harm or great bodily harm. Our charge is to ensure the investigations complied with relevant rules and laws. The audit only reviewed the investigation. It did not assess the incident itself or whether the use of force was justified.

### Independence

To help ensure the investigation was conducted independently of the involved agency, KCIRT investigators reported that they assumed control of the scene upon arrival and excluded investigators from two involved law enforcement agencies. We reviewed investigative reports from KCIRT's case files and found that at 10:33 a.m., county corrections officers at the Kitsap County Jail noticed Howell was not breathing. Nurses were already on scene and administered CPR. County corrections officers also called 911 around this time. Officers from the Port Orchard Police Department who responded to the 911 call activated KCIRT at 11:30 a.m. Investigators began arriving on the scene around 12:25 p.m., and assumed control of the investigation.

Investigators from the Washington State Patrol took the lead and were assisted by detectives from the Port Orchard Police Department, Poulsbo Police Department, and Shelton Police Department. KCIRT's two largest member agencies played some role in the incident: the Kitsap County Sheriff's Office runs the county jail, and officers from the Bremerton Police Department arrested Howell. We found no evidence that any members of those two law enforcement agencies took part in the investigation.

### Transparency

We found KCIRT made necessary processes and documents public, and that the IIT's community representatives were properly involved in the investigation. We verified that KCIRT posted its protocols and the names of its command staff and investigators online. KCIRT did not publish the community representatives' names online, but acknowledged in a summary report that it would make the names available if requested. KCIRT issued weekly press releases throughout the investigation as required, and acknowledged in a summary report that it would make the case file publicly available through public disclosure laws.

Community representatives are volunteers, not law enforcement agency employees. Each KCIRT member agency solicits volunteers from their communities. From that pool, the Kitsap County Sheriff selected two people who live in the area where the use of force incident occurred to participate in the investigation.



KCIRT included community representatives in key processes as required. We interviewed the community representatives to independently verify how KCIRT involved them. They confirmed they were present at weekly briefings with the Kitsap County Sheriff's Office, were provided press releases before they were sent to the media, and knew that they had access to the entire case file.

The community representatives said they did not participate in interviewing or selecting the IIT investigators, but they were able to review their qualifications. The KCIRT commander said the investigators who worked on the Howell case were "grandfathered in," because the IIT existed before the creation of WAC 139-12-030. The CJTC allows this exemption; however, the rules require community representatives review existing investigators' qualifications in these instances. To meet this requirement, KCIRT provided community representatives a short document that included the investigators' work experience, a personal biography and a list of relevant training.

## Communication

We reviewed investigative reports and found KCIRT complied with most of the required steps to update the public and Howell's family on the investigation's progress.

The reports showed KCIRT assigned a family liaison the day after Howell was injured. The liaison then contacted Howell's father that same day. The liaison kept Howell's father informed about major developments in the investigation, but did not provide him with copies of all press releases before sending them to the media as required. The KCIRT commander said that the family requested not to receive notifications every week, particularly when there was no new information to share. The family liaison agreed to this, but the case file did not have documentation of the family's request.

All press releases from KCIRT mentioned Howell was arrested for first-degree murder. KCIRT investigators said Howell's arrest was already in the news, and that the press releases did not provide information on his criminal background that already was not public knowledge. The WAC states that neither the IIT nor the involved agency can release criminal background information of the person against whom deadly force had been used, unless specifically requested by the media. The arresting offense is criminal background information, as defined in RCW 10.97.030. Therefore, we concluded KCIRT did not comply with this requirement.

## Credibility

KCIRT followed many best practices for homicide investigations required under WAC 139-12-030. The rules require the CJTC to publish and annually update best practices for homicide investigations. However, as referenced in our methodology in Appendix A, the CJTC did not adopt best practices that IITs were required to follow until after this investigation started. We decided to apply the requirements from the CJTC's best practices document, as it is a key

piece of the WAC and based on generally accepted practices for criminal investigations that all detectives should know and follow.

### **Crime Scene Investigation**

We reviewed the investigative files and found the incident scene was secured with crime scene tape immediately after EMTs took Howell to the hospital. Investigators used markers to identify evidence, and they took multiple photos documenting the scene of the incident. Investigators created a three-dimensional scan of the area. They also obtained video footage of the entire incident.

### **Identifying and Interviewing Witnesses**

Using the video footage, KCIRT investigators identified all witnesses and officers involved in the incident. They recorded interviews with officers, nurses and an inmate on the day of the incident. Investigators attempted to conduct follow-up interviews with involved officers several times during the investigation. All but one officer refused to participate. As a result, KCIRT investigators were unable to complete their interviews.

Best practices recommend that involved officers are separated and removed from the scene immediately after a use of deadly force incident, and that officers should be directed not to discuss the case. Reports from on-scene supervisors did not indicate whether this occurred. The IIT commander confirmed verbally that the county corrections officers returned to their normal duties after the incident. Because of this lack of documentation, we were unable to determine whether the involved officers discussed the case or had the opportunity to do so.

### **Training and Experience**

We reviewed KCIRT members' training records to ensure they met the qualifications of credible investigators under the WAC. Only lead investigators are required to have specific training and credentials. We found the lead investigator met all training and experience requirements under the WAC.

### **Conflicts of Interest**

KCIRT established processes to help ensure investigators did not have connections with the involved officers or biases that would impair their objectivity. We found KCIRT investigators and community representatives filled out conflict of interest forms within 72 hours of the start of the investigation as required. Conflict of interest forms include questions about prior interactions or relationships with the officers under investigation, as well as questions about social conflict, work conflict and bias. We reviewed the forms and found that one investigator had previously worked with one of the involved corrections officers, and was connected to them through social media. The day of the incident, and before investigators completed the conflict of interest forms, KCIRT began taking initial statements from involved officers. The investigator with a work and social

media connection to one of the involved officers did not participate in any interviews with that officer.

The WAC requires the IIT commander and community representatives review the conflict of interest forms within that same 72-hour period to decide whether any answers indicate that someone cannot objectively investigate the incident. The commander chose not to remove the investigator from the incident, and instead assigned the investigator the family liaison role. The WAC does not state that IIT members with an actual or perceived conflict of interest must be removed from the investigation entirely, and leaves those decisions to the discretion of the commander.

### **Misconduct**

In addition to the conflict of interest forms, KCIRT depends on the chiefs and sheriffs of member agencies to ensure its IIT members are free of misconduct and behavior that would indicate they could not conduct an objective investigation. Examples of disqualifying conduct could be discriminatory behavior, threats of violence, harassment or falsifying records.

During our interviews, KCIRT commanders said that when new members join the team, the head of the member agency is responsible for reviewing the prospective member's personnel file and disciplinary records to ensure they do not have any disqualifying behavior or offenses. KCIRT relies on the member agencies to notify them and remove IIT members who commit disqualifying offenses after they join. The commanders said that is the most practical way of assessing compliance with the requirements because there is no established process for accessing personnel and disciplinary records. The rules the CJTC has established do not describe how IITs should verify members' work history.

Ultimately, KCIRT did not have any records we could examine in order to independently verify that investigators had no personal and professional histories of misconduct. As of July 25, 2021, law enforcement agencies are required under RCW 43.101.135 to notify the CJTC of any disciplinary decisions they make when officers are accused of misconduct, including decisions not to take any action. This requirement could provide the documentation that KCIRT and other IITs need to demonstrate compliance in future audits.

See **Appendix B** for a complete list of the requirements we reviewed and a summary chart of our audit results.

## RECOMMENDATIONS

We recommend KCIRT:

- Ensure it always notifies family members before sending press releases to the media, or maintain documentation showing the family did not want those notifications
- Ensure press releases do not contain criminal background information and arrest details about the person against whom deadly force has been used, unless the media specifically requests it

We recommend KCIRT's member agencies:

- Establish policies that prohibit involved officers from discussing use of deadly force cases with each other until they provide statements to the IIT
- Establish policies to ensure that use of deadly force incidents in correctional facilities are treated similarly to other use of force incidents. This should include a requirement to separate and remove involved officers from the scene, and document that this happened

While performing the audit, we also identified areas where the CJTC can clarify its rules governing independent investigations.

We recommend the CJTC:

- Update its best practices for homicide investigations every year, as required by WAC 139-12-030, and consider current best practices
- Amend WAC 139-12-030 to allow exceptions for required notifications of press releases if families request not to be notified
- Provide clear guidance to IITs on what constitutes criminal background information
- Provide guidance to IIT leadership on how to make sure investigators' backgrounds are free from misconduct or other dishonorable behavior that could jeopardize their objectivity

## INDEPENDENT INVESTIGATION TEAM RESPONSE

*KCIRT has valued working with the audit team to evaluate our level of compliance with the LETCSA legislation implemented. KCIRT learned we were largely successful in adhering to the law while being shown areas for improvement. It should be noted the “best practices for homicide investigations” model used by the audit team were adopted well after the implementation of the law, and prior to the cases selected by the audit team. We have already updated our protocols in order to ensure compliance in those few areas the audit team identified needing improved.*

# CRIMINAL JUSTICE TRAINING COMMISSION RESPONSE



## WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Monica Alexander, Executive Director

19010 1st Avenue South • Burien, WA 98148 • Phone: 206-835-7300 • [www.cjtc.wa.gov](http://www.cjtc.wa.gov)

September 16, 2022

The Honorable Pat McCarthy  
State Auditor's Office  
PO Box 40021  
Olympia, WA 98504-0021

Dear State Auditor McCarthy:

Thank you for providing the Washington State Criminal Justice Training Commission (WSCJTC) the opportunity to review and respond to the recommendations in the State Auditor's Office (SAO) compliance audit report "Reviewing Investigations of Police Use of Deadly Force Kitsap Critical Incident Response Team – The Sean Howell Case."

In May 2022, WSCJTC Law Enforcement Training and Community Safety Act (LETCSA) staff voluntarily convened an ad hoc review group to provide recommendations on the independent investigation team (IIT) best practices required per Washington Administrative Code (WAC) 139-12-030. The purpose of the review group is to provide input on edits of the IIT best practices. In 2022, the review group met twice and provided input and recommendations at both meetings. The proposed edits will be reviewed by the Commission before the end of the year. Once reviewed and approved, the edits would become effective immediately.

The WSCJTC staff have recommended to Commissioners to make several updates to WAC 139-12. Some of the recommendations include:

- adding definitions for 'involved', 'criminal background information', and 'specialized equipment';
- clarifying that if someone is brought into an independent investigation after the initial Conflict of Interest (COI) form review, they must complete a COI form within 72 hours after joining the investigation; and
- changing the reference of "best practices for homicide investigations" to "best practices for an independent investigation of officer involved use of deadly force incident" or something similar.

One of the recommendations in the report is to amend WAC 139-12-030 to allow exceptions for required notifications of press releases if families request not to be notified. This recommendation will be discussed with the LETCSA statutory stakeholders when WSCJTC engages in negotiated rulemaking to update WAC 139-12.

As a condition of peace officer hiring and certification, there are several laws that must be followed by law enforcement agencies. After the passage of Chapter 323, Laws of 2021 (Engrossed Second Substitute Senate Bill 5051), several new requirements were added which

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expanded the background investigation process for persons applying for peace officer positions. The background investigations that are conducted in the hiring process are the responsibility of the investigator's hiring agency. There were additional provisions in the legislation that made changes to peace officer certification and decertification which included a formal complaint process.

As of July 25, 2021, law enforcement agencies are required to submit "Form CJ-1915 Reporting Form for Use of Force (UOF), Suspension, Criminal Charges, or Discipline" within 15 days of occurrence to the WSCJTC Certification Division. These requirements are designed to preemptively address any misconduct and/or dishonorable behavior. WSCJTC staff will be adding an additional step to the review and approval process for IIT qualified lead investigator certification applications which will include checking WSCJTC Certification Division records for any Form CJ-1915 submissions, open investigations, or cases for the applicant. A policy is being developed that outlines this review and approval process and will be adopted soon.

The five main principles that are fundamental to enhancing public trust in the integrity of independent investigations involving police use of deadly force are independence, transparency, communication, a credible process, and credible investigators. By providing this response to the SAO recommendations, WSCJTC further solidifies these principles and continues to improve the LETCSA IIT program for all impacted stakeholders and Washington residents. The WSCJTC appreciates the work of the SAO in auditing the compliance of IITs across the state.

Sincerely,



Monica Alexander  
Executive Director

cc: Alex Buijs, LETCSA Program Manager  
Bart Hayes, Advanced Training Division Manager  
Jerrell Wills, Deputy Director

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TRAINING THE GUARDIANS OF DEMOCRACY

## APPENDIX A: AUTHORITY, SCOPE OBJECTIVE AND METHODOLOGY

### Authority

In 2018, Washington voters passed Initiative 940, which, in part, required investigations of police use of deadly force be conducted by an agency completely independent of one with the involved officer(s). It tasked the Washington State Criminal Justice Commission (CJTC) with adopting rules to govern these investigations. In 2019, the CJTC created a workgroup, including stakeholders from community groups and law enforcement agencies, to adopt rules for independent investigations. The rules were outlined in Washington Administrative Code (WAC) 139-12-030 and took effect in January 2020.

The rules were designed to help ensure investigations are independent, transparent, credible and communicated timely to the public and affected individuals. The rules define the elements of an independent investigation, and explain the duties of the involved agency and independent investigation team (IIT) after police use deadly force that results in death, substantial bodily harm or great bodily harm. In 2020, the Legislature amended state law (RCW 43.101.460) to require our Office audit investigations into police use of deadly force to ensure compliance with the new rules.

### Scope

This audit assessed whether the Kitsap County Jail and the Kitsap Critical Incident Response Team (KCIRT) complied with state laws and rules regarding the investigation of the use of deadly force that resulted in Sean Howell's death. It reviewed whether the law enforcement agencies met the criteria for independent investigations as outlined in WAC 139-12-030.

By law, the audit only reviewed the investigation. It did not review the use of deadly force incident, nor assess whether the use of force was justified.

### Objective

This audit examined whether the Kitsap County Jail and KCIRT complied with state laws and rules regarding independent investigations of police use of deadly force.

### Methodology

To determine whether the Kitsap County Jail and KCIRT complied with state laws and rules regarding independent investigations of police use of deadly force, we reviewed investigative files related to the case and interviewed IIT members. We interviewed IIT members to understand their investigative process and how they documented their procedures and findings. We also spoke to the IIT's community representatives to confirm whether they were involved in required processes



of the investigation. In the case files, we searched for evidence demonstrating the IIT followed the legal requirements. We also reviewed training records from the CJTC and member police agencies.

One major requirement in the credibility section of WAC 139-12-030 is for IITs to follow the CJTC's published best practices for homicide investigations. The CJTC did not publish best practices until September 2020, leaving the IITs without guidance and our Office with no defined criteria for the first eight months of 2020. While this investigation started before September 2020, we decided to apply the requirements from the CJTC's best practices document, as it is a key piece of the WAC and based on generally accepted practices for criminal investigations that all detectives should know and follow. The CJTC has not updated its best practices since originally publishing them.

Our Office also believes it is in the public's interest to not limit the scope of our audits of investigations that occurred before September 2020.

To help conduct these audits, our Office contracted with Public Sector Performance Associates (PSPA). PSPA is a woman and minority-owned business founded in Tampa, Florida, in 2015. Since its founding, PSPA has worked with multiple government entities to conduct performance and compliance audits.

PSPA's business model is centered on the assembly of subcontracted associates with unique and specialized skills. The collective knowledge and expertise of the pooled associates allows them to provide subject matter expertise.

The team assembled for this engagement offers a combination of compliance auditing experience and expertise in use of deadly force investigations. All team members have worked in or for various sectors of government, and have extensive experience in law enforcement and/or compliance auditing in the public sector.

## APPENDIX B: WAC 139-12-030 COMPLIANCE SUMMARY

### Independence

Requirement	Compliant?
The involved agency and/or other first responders will provide first aid at the scene.	<b>Yes</b>
The involved agency will relinquish control of the scene.	<b>Yes</b>
The involved agency will not participate in the investigation.	<b>Yes</b>
Any specialized equipment belonging to the involved agency will be approved by the community representatives and the independent investigation team (IIT) commander before it is used in the investigation.	<b>Not applicable</b>
Information shared by the IIT to the involved agency will be limited to briefings about the progress of the investigation.	<b>Yes</b>
The IIT commander will honor requests from the involved agency to release body cam video or other investigation information of urgent public interest.	<b>Not applicable</b>

### Transparency

Requirement	Compliant?
The policies and operating procedures of the IIT will be available to the public.	<b>Yes</b>
The names of IIT members will be available to the public.	<b>Yes</b>
A minimum of two non-law enforcement community representatives will be assigned to the IIT.	<b>Yes</b>
The community representatives will:	
<ul style="list-style-type: none"> <li>Participate directly in the vetting, interviewing, and/or selection of IIT investigators. (Existing teams will have until January 2021 to provide necessary information about the qualifications of current IIT investigators to the community representatives for review.)</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>Review conflict of interest statements submitted within 72 hours of the commencement of each investigation</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>Be present at the briefings with the chief or sheriff of the involved agency(ies)</li> </ul>	<b>Yes</b>

<ul style="list-style-type: none"> <li>• Have access to the investigation file when it is completed</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• Be provided a copy of all press releases and communication sent to the media prior to release</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• Review notification of equipment use of the involved agency</li> </ul>	<b>Not applicable</b>
The community representatives will sign a confidentiality agreement at the beginning of the investigation.	<b>Yes</b>
The IIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.	<b>Yes</b>
When an independent investigation is complete, the information will be made available to the public in a manner consistent with applicable state law.	<b>Yes</b>

## Communication

Requirement	Compliant?
A family member of the person against whom deadly force has been used will be notified of the incident as soon as possible.	<b>Yes</b>
The IIT will assign a family liaison within the first 24 hours of the investigation.	<b>Yes</b>
The family liaison will keep the family informed about all significant developments in the investigation.	<b>Yes</b>
The family liaison will give the family and the involved agency advanced notice of all scheduled press releases.	<b>No</b>
Neither the involved agency nor the IIT 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.	<b>No</b>
The involved agency will notify the Governor's Office of Indian Affairs (GOIA) in accordance with RCW 10.114.021 if the person against whom deadly force is used is a member of a federally recognized tribe	<b>Not applicable</b>
A member of the IIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) informed about all significant developments of the investigation.	<b>Not applicable</b>

## Credibility

Requirement	Compliant?
The involved agency and other first responders will secure the incident scene and maintain its integrity until the IIT arrives.	<b>Yes</b>
The involved agency and other first responders will locate and preserve evanescent evidence.	<b>Yes</b>
The IIT will follow these accepted best practices for homicide investigations published and annually updated by the Washington State Criminal Justice Training Center (CJTC):	
<ul style="list-style-type: none"> <li>• Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses.</li> </ul>	<b>Unable to determine</b>
<ul style="list-style-type: none"> <li>• The involved agency or first responders will separate involved officer(s) and remove them from the immediate scene.</li> </ul>	<b>Unable to determine</b>
<ul style="list-style-type: none"> <li>• The IIT will obtain statements from subjects and witnesses. Audio and/or video recording is preferred and should be attempted.</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement and case law.</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene.</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• The IIT will canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available.</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations.</li> </ul>	<b>Yes</b>
<ul style="list-style-type: none"> <li>• Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members involved.</li> </ul>	<b>Yes</b>
The IIT commander must create and enforce firewalls, which is a process to prevent information sharing between the IIT from the involved agency, and train all team members to observe them to ensure no IIT member receives any compelled statements of the	<b>Yes</b>

involved officer(s) or any investigative content that was informed by such compelled statements.	
The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the IIT.	<b>Yes</b>
If any member of the IIT 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.	<b>Yes</b>
At least two community representatives should be assigned to each IIT investigation. The community representatives must have credibility with and ties to communities affected by police use of deadly force.	<b>Yes</b>
The chiefs and sheriffs of each regional team shall create a transparent process for soliciting names and creating a roster of people willing to serve in this capacity. The IIT community representatives must be chosen from this list by the chief(s) and/or sheriff(s).	<b>Yes</b>
All IIT leadership shall be commissioned peace officer(s) with previous experience in criminal investigations.	<b>Yes</b>
Investigators must be employed by a member agency of the IIT.	<b>Yes</b>
Investigators 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.	<b>Yes</b>
The chief or sheriff of a member agency and the IIT commander shall review the appointment of their IIT members who have served three years for possible rotation or replacement.	<b>Yes</b>
Lead investigators will be trained in basic homicide investigation, interviewing and interrogation, Law Enforcement Training and Community Safety Act (LETCSA) violence de-escalation and mental health training.	<b>Yes</b>
The IIT shall train as a unit at least annually.	<b>Yes</b>
Investigators assigned to an IIT are expected to have a work history free of serious misconduct and/or a pattern of sustained complaints, as well as a personal history free of demonstrable bias or prejudice against community members that may be affected by the police use of deadly force.	<b>Unable to determine</b>

Within 72 of the state of each investigation, investigators and community representatives must complete a “conflict of interest” assessment tool regarding any connection to the officers being investigated. The conflict assessment will be reviewed and discussed by the community representatives and the IIT commander.	<b>Yes</b>
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## ABOUT THE STATE AUDITOR'S OFFICE

The State Auditor's Office is established in the Washington State Constitution and is part of the executive branch of state government. The State Auditor is elected by the people of Washington and serves four-year terms.

We work with state agencies, local governments and the public to achieve our vision of increasing trust in government by helping governments work better and deliver higher value.

In fulfilling our mission to provide citizens with independent and transparent examinations of how state and local governments use public funds, we hold ourselves to those same standards by continually improving our audit quality and operational efficiency, and by developing highly engaged and committed employees.

As an agency, the State Auditor's Office has the independence necessary to objectively perform audits, attestation engagements and investigations. Our work is designed to comply with professional standards as well as to satisfy the requirements of federal, state and local laws. The Office also has an extensive quality control program and undergoes regular external peer review to ensure our work meets the highest possible standards of accuracy, objectivity and clarity.

Our audits look at financial information and compliance with federal, state and local laws for all local governments, including schools, and all state agencies, including institutions of higher education. In addition, we conduct performance audits and cybersecurity audits of state agencies and local governments, as well as state whistleblower, fraud and citizen hotline investigations.

The results of our work are available to everyone through the more than 2,000 reports we publish each year on our website, [www.sao.wa.gov](http://www.sao.wa.gov). Additionally, we share regular news and other information via an email subscription service and social media channels.

We take our role as partners in accountability seriously. The Office provides training and technical assistance to governments both directly and through partnerships with other governmental support organizations.

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