



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Lower Columbia Major Crimes Team

**Southwest Washington Independent
Investigative Response Team**

The Kevin Peterson Jr. Case

**Use of Deadly Force Incident on October 29, 2020, by the Clark County
Sheriff's Office**

Published December 29, 2022

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Office of the Washington State Auditor

Pat McCarthy

December 29, 2022

Troy Brightbill, Chief Criminal Deputy
Lower Columbia Major Crimes 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 October 29, 2020, that resulted in the death of Kevin Peterson Jr.

The audit assessed the Clark County Sheriff's Office's and the Lower Columbia Major Crimes 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
Shyla Nelson, Commander, Southwest Washington Independent Investigative Response Team

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EXECUTIVE SUMMARY

Results in Brief

Lower Columbia Major Crimes Team (LCMCT) investigators, Southwest Washington Independent Investigative Response Team (SWIIRT) investigators, and officers involved in the incident complied with most requirements to ensure the investigation into Kevin Peterson Jr.'s death was independent, transparent, credible and communicated to the public timely, as state laws and rules require. These actions included, but were not limited to, maintaining a perimeter around the incident scene, involving community representatives in key points of the investigative process, gathering and preserving evidence, and recording interviews with involved officers.

The audit found some instances where LCMCT and SWIIRT did not follow state rules. Specifically, we found:

- LCMCT did not post public updates every week on the investigation's progress.
- An officer who was not a member of LCMCT or SWIIRT accessed SWIIRT's electronic case files during the investigation.
- The independent investigation teams did not have a signed conflict of interest form for one of the community representatives.

Recommendations

We recommend LCMCT ensure it provides weekly public updates as required.

We recommend SWIIRT restrict access to use of deadly force investigation case files at the start of each investigation.

We recommend LCMCT and SWIIRT update their policies to require community representatives complete conflict of interest forms.

BACKGROUND

Use of Deadly Force Incident

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

On October 29, 2020, at around 6 p.m., Detective Jeremy Brown and Detective Robert Anderson of the Clark County Sheriff's Office attempted to arrest Kevin Peterson Jr. after an informant told them he was trying to sell Xanax pills. The detectives, who were part of the Clark County Regional Drug Task Force, drove in unmarked vehicles to a hotel in Hazel Dell where the sale was set to occur, and they saw Peterson driving his vehicle in the parking lot. With their emergency lights on, they attempted to box Peterson in with their patrol vehicles. Peterson left his car and ran away from the parking lot, and the detectives chased after him and ordered him to stop. As Peterson ran, he dropped what officers' believed to be a handgun, but picked it up and continued running. The detectives requested assistance from nearby officers to help arrest Peterson, and they continued pursuing him as other officers responded.

On two separate occasions, two other detectives saw Peterson, and they ordered him to stop and drop his handgun, but he did not. Peterson continued to run to a nearby bank parking lot and came into contact again with Detectives Brown and Anderson and Deputy Jonathan Feller, a responding officer. They ordered him to stop and drop his handgun again, but Peterson ran away and headed toward other responding officers. Deputy Anderson said he believed Peterson posed a threat to the other officers as he was armed and did not follow previous orders so he fired several shots toward him. Peterson fell to the ground, but quickly sat up and pointed his gun toward Detective Anderson and Deputy Feller. At this point, Detectives Brown and Anderson and Deputy Feller shot at Peterson. In total, they fired 35 shots, hitting Peterson four times: in the chest, bottom of the neck, middle of the left arm and top of the left arm, according to the medical examiner's report.

After shooting Peterson, the officers waited about four minutes before approaching him, because they wanted responding officers to bring them a ballistic shield to help protect them in case he picked up and fired his handgun. The officers secured Peterson's handgun and provided first aid. Paramedics arrived shortly after, and Peterson was pronounced dead at the scene.

The Southwest Washington Independent Investigative Response Team (SWIIRT), an independent investigation team (IIT) that investigates police use of deadly force incidents in Clark and Skamania counties, responded to the incident. However, because of a perceived conflict of interest involving the IIT commander and lead investigator, the Clark County Prosecutor ordered another team to investigate the shooting. The Lower Columbia Major Crimes Team (LCMCT), the IIT covering Cowlitz and Wahkiakum counties, took over the investigation four days after the incident occurred. Investigators from the Cowlitz County Sheriff's Office, Washington State Patrol, and the Longview, Kelso, Camas, and Battle Ground police departments worked on the investigation.

LCMCT completed the investigation on November 25, 2020, and submitted its case files to the Pierce County Prosecuting Attorney's Office. The prosecutor reviewed the case and announced on August 16, 2021, that she would not file charges against the three involved 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 to 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 Clark County Sheriff's Office, SWIIRT and LCMCT complied with state laws and rules in conducting the investigation of Kevin Peterson Jr.'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 they 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 agencies, at about 6:15 p.m. on October 29, 2020, the SWIIRT commander from the Clark County Sheriff's Office called a captain from the Camas Police Department, and requested she take IIT commander responsibilities because the three officers involved in the shooting were employed by the Sheriff's Office. The Vancouver Police Department also removed itself from the IIT investigation because its officers were involved in the initial attempted traffic stop of Peterson. With SWIIRT's two largest member agencies unable to participate in the investigation, the IIT commander had difficulty relieving responding officers from the Sheriff's Office and Vancouver Police Department from the crime scene. Eventually, troopers from the Washington State Patrol maintained the inner perimeter, and the IIT commander took control of the investigation just before 9 p.m.

On November 2, 2020, the IIT commander spoke to the Clark County Prosecutor to ask questions about interviews with the involved officers. During the conversation, she mentioned she was married to a Clark County Sheriff's deputy, and that the lead investigator was good friends with a witness officer. Because of public perception and the appearance of a conflict of interest, the prosecutor requested LCMCT take command of the investigation, and the IIT commander and lead investigator were removed from the investigation.

Investigators from the Cowlitz County Sheriff's Office, Washington State Patrol, and the Longview, Kelso, Camas, and Battle Ground police departments investigated the use of deadly force incident. We did not find evidence that any employees from the Clark County Sheriff's Office or Vancouver Police Department took part in the investigation.

Transparency

We found LCMCT made necessary processes and documents public, and that the IIT's community representatives were properly involved in the investigation. We verified that LCMCT posted the names of its command staff, investigators and community representatives online. LCMCT has not published its policies and procedures online, but acknowledged it would make the documents available to the public if requested. LCMCT also prepared the case file for public disclosure.

Community representatives are volunteers, not law enforcement agency employees. The LCMCT commander kept the community representatives selected by SWIIRT on the investigation. The SWIIRT commander called representatives from Clark County the day after the shooting, and two agreed to participate. SWIIRT posted applications for community representative positions online, and the chiefs and sheriffs of SWIIRT's member agencies were responsible for selecting them. In total, SWIIRT has 21 community representatives available. The application includes a description of their responsibilities, desired qualifications, and a list of essential skills, knowledge and abilities. SWIIRT conducted background checks on each applicant, and provided training.

LCMCT included the two community representatives in key processes as required. We interviewed the community representatives to independently verify how LCMCT involved them. They confirmed they were present at all four briefings with the Clark County Sheriff's Office and Vancouver Police Department, and were provided press releases before they were sent to the media. When the investigation was completed, LCMCT gave a presentation to the community representatives on its findings, and provided the entire case file for their review before it was sent to the county prosecutor.

Communication

We reviewed investigative reports, and found LCMCT and SWIIRT complied with most of the required steps to update the public and Peterson's family on the investigation's progress.

Peterson's parents and other family members arrived at the scene soon after the shooting, and they learned about his death from responding officers. The SWIIRT commander assigned a temporary family liaison to meet with Peterson's family at the scene. She told them she would answer their questions as best she could, and arranged for Peterson's parents to view his body before he was taken to the medical examiner. The commander assigned another family liaison the next day, and he retained the role after LCMCT took over the investigation. The liaison continued to inform the family's attorney, at their request, of major developments in the case and emailed him copies of press releases before sending them to the media.

During one week of the investigation, LCMCT did not provide a public update, as required by the WAC, because of a miscommunication with the Public Information Officer. LCMCT wrote the press release for that week, but it was never released to the media. Further, the WAC prohibits IITs and involved agencies from providing to the media criminal background about the person who died or was injured from police use of deadly force. We reviewed each press release and the social media profiles of the Clark County Sheriff's Office, the Vancouver Police Department, the Longview Police Department and the Camas Police Department, and did not find any indication that they released criminal background information to the media.

Credibility

LCMCT and SWIIRT followed many best practices for homicide investigations required under WAC 139-12-030.

Crime Scene Investigation

We reviewed the investigative files and found responding officers had secured the scene immediately after they arrived. After the shooting, a patrol sergeant from the Clark County Sheriff's Office arrived and notified the command duty officer that their deputies were currently securing the scene. Photographs provided in the case files showed the deputies used their patrol cars and crime scene tape to block off roads and the parking lots. Officers from the Vancouver Police Department maintained a log of all personnel who entered the scene.

LCMCT investigators and responding officers took video and photos of the scene. During the shooting, a drone was deployed, and LCMCT investigators obtained the video. They also obtained security camera footage from the hotel, bank and other nearby businesses. The bank provided video it had of Detectives Brown and Anderson and Deputy Feller shooting Peterson. An LCMCT investigator was able to overlay dispatch audio with the security camera footage to reconstruct the incident. The detectives and deputy involved in the shooting did not have body-worn cameras, as it was not required.

The Washington State Patrol's Crime Scene Response Team searched for evidence at the scene. With the help of troopers, the Crime Scene Response Team marked and placed placards at each piece of evidence found at nearby businesses and the bank and hotel parking lots. They also took three-dimensional scans of the crime scene. Because of the size of the area covered during the initial attempted arrest and shooting, they used a drone the next day to take aerial photographs.

Interviewing Involved Officers and Witnesses

As recommended by best practice, responding supervisors separated Detectives Brown and Anderson and Deputy Feller at the scene, and ordered them to not talk to each other and stay in their vehicles while supervisors took public safety statements. Under case law, involved officers are required to give statements after an officer-involved shooting to ensure public safety and that other people in the surrounding area were not hurt. The command duty officer at the Clark County Sheriff's Office then ordered they be taken back to the station where they were paired with guild attorneys. The command duty officer said in his report that he did not discuss the incident with any of involved officers when they arrived.

SWIIRT investigators conducted interviews with three witness officers the night of the shooting, as well as 19 witnesses before LCMCT took control of the investigation. SWIIRT had not yet scheduled interviews with the involved officers. The LCMCT commander said that it took more time than usual to schedule interviews with them because each of the officers decided to work with a private attorney rather than the police guild. LCMCT's normal practice is to wait at least 24 hours before attempting to schedule interviews with involved officers after a shooting, but no more

than a few days. All three officers agreed to recorded interviews. LCMCT investigators interviewed Detective Brown six days after the shooting, Detective Anderson seven days after the shooting, and Deputy Feller 10 days after the shooting.

LCMCT investigators also interviewed and took statements from four witness officers, 20 witnesses in the area, and the firefighters and paramedics who responded to the scene.

Case File Integrity

LCMCT established a process to help prevent information about the investigation from being shared with people outside of the IIT, and to keep prohibited information from being shared with IIT investigators. LCMCT's annual training includes a slide directing the involved agency to not provide any prohibited content to the IIT, and the topic is discussed at the beginning of every investigation. LCMCT investigators also have a checklist that they use when interviewing involved officers and witness officers, and it reminds them that they cannot obtain any information gathered from an administrative investigation.

LCMCT protocols also state that all electronic investigation files will be restricted in the IIT's records management system. The LCMCT commander explained that the system's settings restrict use of deadly force investigation cases to IIT members. When the involved agency is entered, the system also automatically removes access for IIT members employed by that agency. Evidence technicians from the investigating agencies also have access to the case files to add evidence and reports. In this case, the involved agencies were outside of LCMCT's normal jurisdiction, and they did not have any access to its records management system because Clark County uses a different system altogether.

We requested access logs to the case file to verify that the case was restricted to the IIT, but LCMCT could only provide access logs for a portion of the duration of the investigation. The system's administrator explained that access logs were inadvertently deleted when the system was updated. We reviewed the logs that were available and found that only IIT members and evidence technicians accessed the case.

In addition to LCMCT electronic case files, SWIIRT also opened a case file in its records management system when it started the investigation. Like LCMCT, SWIIRT can also restrict access to its system. However, the person typically responsible for ensuring the case is restricted was a Clark County Sheriff's Office employee. The SWIIRT commander asked an employee from the Battle Ground Police Department to work with the vendor to ensure the files were restricted.

We requested access logs to the case file to verify that only SWIIRT members could access it. We found that on the day after the shooting, one officer from a responding agency accessed a report written by his sergeant who responded to the scene. The SWIIRT commander said there was no reason for the officer to open the case file. She also said that very few reports had been uploaded to the system at that time since it was so soon after the incident, and found the case file had not been restricted yet.

Conflicts of Interest

As required, all investigators signed conflict of interest forms within 72 hours of being assigned to the case. This included the 15 investigators originally assigned to the case, eight members of the Washington State Patrol's Crime Scene Response Team, and the LCMCT commander and three new investigators that were added to the team when LCMCT took control of the investigation. 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. IITs use the forms to help determine if investigators have any connections with the involved officers or biases that would impair their objectivity.

We reviewed all of the forms and found that one of the original investigators marked that he had a potential conflict with Detective Brown because he attended the same gym as him several years ago, and a potential conflict with Detective Anderson because he recognized him as someone who was a member of the Clark County Regional Drug Task Force. However, he did not have a personal relationship with either detective. The original SWIIRT commander and the community representatives discussed these conflicts and did not have any concerns with the connections impairing the investigator's objectivity. Another investigator wrote a note in the conflict of interest form saying that Detective Brown had provided some assistance with a homicide investigation led by the Kelso Police Department. He said their interactions consisted of a couple of phone calls and a review of intelligence information. The SWIIRT commander did not believe this would impair the investigator's objectivity nor warranted discussion with the two community representatives, so she did not specifically bring it up during their review of the conflict of interest forms.

The SWIIRT commander sent the two assigned community representatives conflict of interest forms to complete and verbally discussed the forms with both. Neither knew the involved officers; however, one of them did not return a completed form, which the WAC requires.

Misconduct

In addition to the conflict of interest forms, LCMCT 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 the investigation objectively. Examples of disqualifying conduct could be discriminatory behavior, threats of violence, harassment or falsifying records.

During our interviews, the LCMCT commander 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. As the IIT's member agencies are relatively small, all detectives from member agencies are part of LCMCT. The process for becoming a detective involves a review of any misconduct or disqualifying behavior. LCMCT 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, LCMCT did not have records we could examine to independently verify that investigators did not have any personal and professional histories of misconduct. In our previous reports on use of deadly force investigations, we recommended the CJTC develop a process to address this.

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

RECOMMENDATIONS

We recommend LCMCT ensure it provides weekly public updates as required.

We recommend SWIIRT restrict access to use of deadly force investigation case files at the start of each investigation.

We recommend LCMCT and SWIIRT update their policies to require community representatives complete conflict of interest forms.

Cowlitz County Sheriff's Office



MEMORANDUM

TO: Michael Huynh, State Auditor's Office
FROM: Troy Brightbill, Cowlitz County Sheriff's Office
DATE: December 18, 2022
RE: 2022 IIT Audit Findings – IIT Commander Written Response

L20-5036, Kevin Peterson – Use of Force Investigation

1. Audit finding - LCMCT did not post public updates every week on the investigation's progress.

Audit recommendation - We recommend LCMCT ensure it provides weekly public updates as required.

Response: This was a case started by another IIT, then turned over to LCMCT on day 5 of the investigation. The previous team had used the one of SWIIRT's member agencies' FlashNews media account to issue press releases on the investigation. To keep media releases consistent, I chose to continue using this account, which required me to email my press releases to the agency's police chief, and the chief would then publish to FlashNews. The chief did not see one of the press releases that had been sent, which only documented that there was no new progress to report and did not realize he had missed it until he received the following press release.

If LCMCT is to take over another in-progress investigation in the future, we will move to an LCMCT member agency's media account to avoid this type of issue.

2. Audit finding - An officer who was not a member of LCMCT or SWIIRT accessed SWIIRT's electronic case files during the investigation.

Audit recommendation - We recommend SWIIRT restrict access to use of deadly force investigation case files at the start of each investigation.

Response: LCMCT does not have access to SWIIRT's records system. SWIIRT has reviewed this situation and confirmed that a non-IIT officer had briefly accessed the record before the firewall was in place. The officer's agency has been contacted about this issue.

Cowlitz County Sheriff's Office



3. Audit finding - *The independent investigation teams did not have a signed conflict of interest form for one of the community representatives.*

Audit recommendation - *We recommend LCMCT and SWIIRT update their policies to require community representatives complete conflict of interest forms.*

Response: The initial conflict of interest forms in this investigation were compiled by SWIIRT, prior to LCMCT's involvement. LCMCT and SWIIRT will have community representatives fill out a conflict of interest form for any future investigations.

Respectfully,

Troy Brightbill

Chief Criminal Deputy / Cowlitz County Sheriff's Office

Commander / Lower Columbia Major Crimes Team

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 Clark County Sheriff's Office, the Lower Columbia Major Crimes Team (LCMCT), and the Southwest Washington Independent Investigative Response Team (SWIIRT) complied with state laws and rules regarding the investigation of the use of deadly force that resulted in Kevin Peterson Jr.'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 reviews 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 Clark County Sheriff's Office, LCMCT and SWIIRT complied with state laws and rules regarding independent investigations of police use of deadly force.

Methodology

To determine whether the Clark County Sheriff's Office, LCMCT and SWIIRT 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.

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. | Yes |
| The involved agency will relinquish control of the scene. | Yes |
| The involved agency will not participate in the investigation. | Yes |
| 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. | Not applicable |
| Information shared by the IIT to the involved agency will be limited to briefings about the progress of the investigation. | Yes |
| The IIT commander will honor requests from the involved agency to release body cam video or other investigation information of urgent public interest. | Not applicable |

Transparency

| Requirement | Compliant? |
|---|-----------------------|
| The policies and operating procedures of the IIT will be available to the public. | Yes |
| The names of IIT members will be available to the public. | Yes |
| A minimum of two non-law enforcement community representatives will be assigned to the IIT. | Yes |
| The community representatives will: | |
| <ul style="list-style-type: none"> • Be present at the briefings with the chief or sheriff of the involved agency(ies) | Yes |
| <ul style="list-style-type: none"> • Have access to the investigation file when it is completed | Yes |
| <ul style="list-style-type: none"> • Be provided a copy of all press releases and communication sent to the media prior to release | Yes |
| <ul style="list-style-type: none"> • Review notification of equipment use of the involved agency | Not applicable |
| The community representatives will sign a confidentiality agreement at the beginning of the investigation. | Yes |
| 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. | No |
| When an independent investigation is complete, the information will be made available to the public in a manner consistent with applicable state law. | Yes |

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. | Yes |
| The IIT will assign a family liaison within the first 24 hours of the investigation. | Yes |
| The family liaison will keep the family informed about all significant developments in the investigation. | Yes |
| The family liaison will give the family and the involved agency advanced notice of all scheduled press releases. | Yes |
| 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. | Yes |
| 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. | Not applicable |
| 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. | Not applicable |

Credibility

| Requirement | Compliant? |
|--|------------|
| The involved agency and other first responders will secure the incident scene and maintain its integrity until the IIT arrives. | Yes |
| The involved agency and other first responders will locate and preserve evanescent evidence. | Yes |
| 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"> • Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses. | Yes |
| <ul style="list-style-type: none"> • The involved agency or first responders will separate involved officer(s) and remove them from the immediate scene. | Yes |
| <ul style="list-style-type: none"> • The IIT will obtain statements from subjects and witnesses. Audio and/or video recording is preferred and should be attempted. | Yes |

| | |
|--|-----------------------|
| <ul style="list-style-type: none"> Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement and case law. | Yes |
| <ul style="list-style-type: none"> Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene. | Yes |
| <ul style="list-style-type: none"> The IIT will canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available. | Yes |
| <ul style="list-style-type: none"> 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. | Yes |
| <ul style="list-style-type: none"> Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members involved. | No |
| 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 involved officer(s) or any investigative content that was informed by such compelled statements | Yes |
| The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the IIT. | Yes |
| 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. | Not applicable |
| 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. | Yes |
| The chiefs, sheriffs and community members 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), sheriff(s) and community members. | Yes |
| All IIT leadership shall be commissioned peace officer(s) with previous experience in criminal investigations. | Yes |
| Investigators must be employed by a member agency of the IIT. | Yes |
| 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. | Yes |

| | |
|--|----------------------------|
| 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. | Yes |
| 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. | Yes |
| The IIT shall train as a unit at least annually. | Yes |
| 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. | Unable to determine |
| Within 72 hours of the start of each investigation, investigators and community representatives must complete a “conflict of interest” assessment tool regarding any connection to the officers being investigated. | No |
| The conflict assessment will be reviewed and discussed by the community representatives and the IIT commander. | Yes |

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. 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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