



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Southwest Washington Independent Investigative Response Team – The Jenoah Donald Case

Use of Deadly Force Incident on February 4, 2021, by the Clark County
Sheriff's Office

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Office of the Washington State Auditor

Pat McCarthy

February 23, 2023

Lieutenant Greg Raquer
Southwest Washington Independent Investigative 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 February 4, 2021, that resulted in the death of Jeniah Donald.

The audit assessed the Clark County Sheriff's Office's and the Southwest Washington Independent Investigative 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

Southwest Washington Independent Investigative Response Team (SWIIRT) investigators and officers involved in the incident complied with all requirements to ensure the investigation into Jenoa Donald'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, relinquishing control of the scene to SWIIRT once investigators arrived, maintaining a perimeter around the incident scene, including community representatives in the investigation, and canvassing the scene for witnesses.

The audit found one instance where Clark County Sheriff's Office supervisors could improve their documentation to demonstrate compliance with state rules. Specifically, we could not find documentation indicating supervisors directed involved and witness officers to not discuss the case until they provided statements to SWIIRT.

Recommendations

We recommend SWIIRT member agencies maintain documentation showing supervisors directed involved officers and witness officers to not speak to each other about the use of deadly force incident until they provided statements to the independent investigation team.

BACKGROUND

Use of Deadly Force Incident

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

On February 4, 2021, at around 7:30 p.m. in a Hazel Dell neighborhood, Clark County Sheriff's Office Deputy Sean Boyle pulled over Jenoa Donald for a broken taillight. Two other deputies, Holly Troupe and Greg Agar, arrived on scene shortly after the traffic stop to provide backup. They were in the neighborhood after dispatch reported calls from concerned residents about two drivers circling the area and revving their engines. Deputy Boyle said he requested Donald's identification, which he provided, and went back to his patrol car to review the information. While Deputy Boyle was in his patrol car, Deputy Troupe, who was on the passenger side of Donald's car, said she ordered him to show his hands because she thought she saw weapons in his car. Deputy Troupe said he did not comply, and pulled out two objects to show her what he had on him—a cellphone and what looked like a pair of pliers.

Deputy Boyle heard Deputy Troupe issuing commands, and he returned to Donald's car and ordered him to get out. Deputy Boyle said he warned Donald that he would release his police dog on him to convince him to comply. Deputy Boyle said he opened the driver's side door of the car when Donald refused to get out, and he and Deputy Troupe tried to pull him from the vehicle. Donald struggled, so Deputy Boyle said he hit him in the face. Both deputies said Donald kicked Deputy Boyle twice in response and grabbed onto his bulletproof vest pulling him close, which Deputy Boyle said made his Taser, dog alert device and other options inaccessible. During their struggle, Deputy Boyle said Donald had turned on his car and revved the engine. Deputy Boyle said he felt Donald's car begin to roll forward. Deputy Troupe was able to get away from the car, but Donald was still holding onto Deputy Boyle's vest. Worried he was going to get run over or dragged behind the car, Deputy Boyle said he pulled out his gun and warned Donald he would shoot if he did not let go of him. Deputy Boyle then fired two shots, hitting Donald once in the head. Deputy Boyle was then able to get away from the car, which rolled forward and stopped when it hit a nearby fence.

When the car stopped, the deputies pulled Donald out of the car, provided first aid and called emergency medical services. Paramedics took Donald to the hospital where he died on February 12, 2021, after his family elected to remove him from life support.

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 shooting. Investigators from the Vancouver Police Department led the investigation with assistance from the Camas Police Department.

SWIIRT completed the investigation on April 5, 2021, and submitted its case files to the Clark County Prosecuting Attorney's Office. The Clark County prosecutor requested a panel of prosecutors from other counties review the case. Prosecutors from Lewis, Pend Oreille, Yakima, Pierce and Snohomish counties participated in the review. They announced on July 12, 2021, that charges would not be filed against Deputy Boyle.

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 Clark County Sheriff's Office and SWIIRT complied with state laws and rules in the investigation of Jenoah Donald'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 agencies' 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 immediate aftermath of the shooting and 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, SWIIRT investigators reported that they assumed control of the scene upon arrival and excluded investigators from the Clark County Sheriff’s Office. We reviewed investigative reports from SWIIRT’s case files and found that the shooting occurred around 7:40 p.m. A commander with the Sheriff’s Office called a Vancouver Police Department detective around 7:50 p.m. to notify him of the shooting and to activate SWIIRT. IIT investigators took control of the investigation around 10:45 p.m., which was when they were able to get enough equipment and officers to survey the scene, canvass the area, and relieve Clark County Sheriff deputies from perimeter control.

Investigators from the Vancouver Police Department led the investigation with assistance from the Camas Police Department. We did not find evidence that any employees from the Clark County Sheriff’s Office took part in the investigation.

Transparency

We found SWIIRT made necessary processes and documents public, and that the IIT’s community representatives were properly involved in the investigation. We verified that SWIIRT posted its protocols and the names of all of its IIT members online. The entire case file is available for review online because it was posted after a public records request.

Community representatives are volunteers, not law enforcement agency employees. The WAC requires IITs to include at least two community representatives who have “credibility with and ties to communities impacted by police use of deadly force.” To fulfill this requirement, SWIIRT’s member agencies posted applications online. The application included an overview of the position, key responsibilities and qualifications. SWIIRT interviewed applicants and selected 21 community representatives to be on its roster. Those selected underwent background checks and training.

SWIIRT selected two community representatives to participate in the investigation and included them in key processes as required. We interviewed both community representatives to independently verify how SWIIRT involved them. They confirmed that they were provided press releases before SWIIRT sent them to the media. The community representatives received the entire

case file and were at the final briefing to the involved agency when the investigation was concluded. The community representatives said they were invited to participate in vetting processes for existing IIT members. They were sent the resumes of SWIIRT investigators at two different times, and were provided the opportunity to ask questions if they had any concerns about their qualifications.

Communication

We reviewed investigative reports and found SWIIRT complied with all of the required steps to update the public and Donald's family on the investigation's progress.

The SWIIRT commander assigned a family liaison the night of the shooting. SWIIRT investigators contacted Donald's mother and brother that night to inform them that police had shot him and he would likely not recover. The family liaison continued to update the family on the investigation's progress and sent them advanced copies of press releases via email and text.

The WAC requires IITs to provide weekly updates to the public on the investigation's progress, but prohibits IITs and involved agencies from providing to the media criminal background information about the person who was killed or injured by police use of deadly force. SWIIRT issued 13 press releases—at least one for every week of the investigation. We reviewed each press release and the social media profiles of the Vancouver Police Department and Clark County Sheriff's Office, and did not find any indication that either SWIIRT or the involved agency provided criminal background information to the media.

Credibility

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. A responding officer from the Vancouver Police Department set up crime scene tape around the incident and blocked off the front yard of a home where Donald's car stopped. He maintained a log of people entering and leaving the scene, and stayed by Donald's car to ensure no one touched it.

Responding officers also blocked off the roads to maintain scene security. Due to concerns that it would start raining, responding officers took photos of blood spots on the ground. They also located and photographed two shell casings, and marked them with traffic cones.

Crime scene photos included in the case file showed yellow placards marking potential evidence, yellow crime scene tape marking the inner perimeter, patrol cars on the outer perimeter, and the outside and inside of Donald's car.

SWIIRT investigators brought in flood lights to illuminate the scene, and they search for additional evidence and used a three-dimensional scanner to document the scene. They also searched Donald's car and found two cell phones, a laptop and a cordless drill.

Interviewing Involved Officers and Witnesses

As recommended by best practice, responding supervisors separated Deputies Boyle, Troupe, and Agar at the scene, and brought them back to a Clark County Sheriff's Office precinct. A peer support officer stayed with Deputy Boyle until he was released. He said Deputy Boyle had no contact with other officers during that time.

SWIIRT policy recommends interviewing involved officers and witness officers as soon as possible; however, Vancouver Police Department policy suggests officers involved in a use of deadly force incident not participate in criminal interviews until 48 to 72 hours after the incident. Investigators interviewed Deputy Troupe the night of the shooting, and attempted to interview Deputy Agar that night as well, but he said he wanted to speak with his attorney first. Investigators interviewed him two days later on February 6, 2021, and Deputy Boyle five days later on February 9, 2021. All of the interviews with officers were audio recorded and transcribed. Investigators also interviewed 11 residents in the neighborhood, but none of them witnessed the shooting.

During Deputy Agar's interview, he said he had texted Deputies Boyle and Troupe the morning after the shooting to ask how they were doing, but they did not discuss the incident or have any other conversations. Member agency policies prohibit situations where involved and witness officers can discuss the case, and the SWIIRT commander said during annual training, officers are told not to talk about use of deadly force incidents with anybody if they become involved in a case. However, we did not identify documentation in the case files indicating Clark County Sheriff's Office supervisors directed the deputies to not speak with each other about the case until they provided statements to the IIT.

Case File Integrity

SWIIRT 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. SWIIRT's protocols direct involved agencies to not provide any prohibited content to the IIT. The protocols allow administrative investigations—investigations conducted by involved agencies to determine any policy violations—to be conducted concurrently with the IIT's investigation as long as information is not shared between the two teams. However, in practice,

member agencies have agreed to start their administrative investigation after the IIT's investigation is completed, which helps prevent potential prohibited information from being shared.

SWIIRT's electronic investigation files can be restricted to specific users and groups to prohibit access to involved agency employees. The SWIIRT commander explained that the system's settings restrict use of deadly force investigation cases to IIT members and evidence technicians. We requested access logs to the case file to verify that the case was restricted, and found only IIT investigators, evidence technicians and IT staff accessed the case files.

Conflicts of Interest

To help ensure SWIIRT members did not have conflicts of interest with Deputy Boyle, the SWIIRT commander requested the investigators and community representatives complete conflict of interest forms. SWIIRT's conflict of interest form includes eight questions about whether the members have any social, work, or financial relationships with the involved officer, and a general question about anything else that might affect their ability to investigate the shooting in an impartial manner. All of the investigators and the community representatives returned signed forms within 72 hours indicating they did not have any conflicts of interest. The community representatives signed all of the forms indicating they reviewed them within 72 hours as required. The SWIIRT commander signed them one day after the required deadline; the community representatives said they reviewed the forms with him, but he just signed them late.

Although every investigator marked that they did not have any conflicts with Deputy Boyle, the SWIIRT commander learned that one detective was the lead investigator in a previous use of deadly force investigation involving Deputy Boyle. The SWIIRT commander chose not to remove him from the investigation, but did not assign him a primary 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 form, SWIIRT 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 SWIIRT 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. The chiefs and sheriffs of the member agencies signed letters attesting that each investigator they provided to SWIIRT had histories free of dishonorable behavior and disqualifying misconduct. The rules the CJTC has established do not describe how IITs should verify members' work history.

Ultimately, SWIIRT 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 SWIIRT member agencies maintain documentation showing supervisors directed involved officers and witness officers to not speak to each other about the use of deadly force incident until they provided statements to the independent investigation team.

INDEPENDENT INVESTIGATION TEAM RESPONSE



VANCOUVER POLICE DEPARTMENT

Jeff Mori
Chief of Police



Memorandum

TO: Mr. Michael Huynh, State Auditor's Office (SAO)

FROM: Greg Raquer, Vancouver, WA Police Department and Independent Investigative Team (IIT) Commander

DATE: February 10, 2023

RE: 2023 IIT Audit Findings for Mr. J. Donald – IIT Commander Written Response

Audit Finding on Page 5/21, BACKGROUND, Use of Deadly Force Incident:

Deputy Boyle heard Deputy Troupe issuing commands, and he returned to Donald's car and ordered him to get out. Deputy Boyle said he warned Donald that he would sic a police dog on him if he did not comply. Deputy Boyle said he opened the driver's side door of the car when Donald refused to get out, and he and Deputy Troupe tried to pull him from the vehicle. Donald struggled, so Deputy Boyle said he punched him in the face. Both deputies said Donald kicked Deputy Boyle twice in response and grabbed onto his bulletproof vest, which Deputy Boyle said made his Taser inaccessible.

IIT Response:

In his transcript Deputy Boyle stated, "You need to get out of the car or my dog's going to bite you", stating that was a tactic. At that time Deputy Boyle had access to the "Dog Popper" remote and could have deployed his dog but chose not to, looking for other diversionary tactics.

As the encounter progressed to the point where Mr. Donald had grabbed onto Deputy Boyle's vest, Deputy Boyle now found himself nearly pressed up against Mr. Donald, making anything on his outer vest inaccessible (taser as stated), to include the remote for the Dog Popper.

Deputy Boyle did not use that verbiage, and the word "sic" is not found anywhere in his transcript dated 02/23/2021. At that time Deputy Boyle had access to the "Dog Popper" remote and could have deployed his dog but chose not to, looking for other diversionary tactics. Telling Mr. Donald that his dog was going to bite him if he did not comply was a tactic he (Deputy Boyle) used during the physical struggle.

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Unfortunately, Mr. Donald grabbed onto Deputy Boyle's vest and took away access to other tools like his taser and Dog Popper, limiting Deputy Boyle's options.

Please incorporate any statements from Deputy Boyle into the Audit Report that:

- Mentions the warning he gave Mr. Donald about the dog biting him was actually a diversionary tactic;
- The tactic was taken away when Mr. Donald grabbed onto Deputy Boyle's vest.

Thank you.

Lieutenant Raquer

STATE AUDITOR'S OFFICE CONCLUDING REMARKS

After considering Lieutenant Raquer's formal response to the report and a re-review of certain investigative files, we made some updates to the incident description in the Background section of the report to more precisely describe the incident.

We thank SWIIRT commanders, investigators and community representatives for their assistance and cooperation during the audit.

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, which included 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 people. 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 and SWIIRT complied with state laws and rules regarding the investigation of the use of deadly force that resulted in Jenoah Donald'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 Clark County Sheriff's Office 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 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"> 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.) 	Yes
<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.	Yes
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. 	Unable to determine

<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. 	Yes
<p>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</p>	Yes
<p>The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the IIT.</p>	Yes
<p>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.</p>	Yes
<p>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.</p>	Yes
<p>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.</p>	Yes
<p>All IIT leadership shall be commissioned peace officer(s) with previous experience in criminal investigations.</p>	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.	Yes
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.

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