



Office of the Washington State Auditor

Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Central Basin Investigation Team – The Shawn Lee Case

**Use of Deadly Force Incident on April 11, 2020, by the Ritzville Police
Department**

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Office of the Washington State Auditor

Pat McCarthy

June 26, 2023

Chief Ryan Green
Central Basin Investigation 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 April 11, 2020, that resulted in the death of Shawn Lee.

The audit assessed the Ritzville Police Department's and the Central Basin Investigation 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
Kevin Briggs, Assistant State Auditor

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EXECUTIVE SUMMARY

Results in Brief

Central Basin Investigative Team (CBIT) investigators and officers involved with the shooting followed most of the requirements to ensure the investigation into Shawn Lee'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 of the shooting to CBIT once investigators arrived, maintaining a perimeter around the scene, including community representatives in the investigation, and canvassing the scene for witnesses.

We found some instances where CBIT did not follow state rules, as well as opportunities where responding officers could have improved their documentation. Specifically, we found CBIT did not:

- Restrict case file access to only CBIT members participating in the investigation
- Require CBIT members to sign conflict of interest forms that address work conflicts, social conflicts and biases
- Provide required weekly public updates about the investigation's progress
- Provide the community representatives with advanced notification of all press releases

We also found that responding supervisors did not maintain documentation indicating they directed involved officers not to speak about the incident until they provided statements to CBIT.

Recommendations

We recommend CBIT:

- Ensure that access to the case file is properly limited to CBIT members participating in the investigation
- Provide required weekly public updates about the investigation
- Notify community representatives about all press releases before sending them to the media, and maintain documentation showing that it did so

We also recommend CBIT's member agencies give administrative orders to involved officers to not speak about the incident before they provide statements to CBIT and maintain documentation indicating they did so.

As part of our audit, we also reviewed CBIT's compliance with state rules that govern the CBIT member selection process and training requirements. Recommendations for improving compliance with these criteria can be found in the Team Requirements section of this report.

BACKGROUND

Use of Deadly Force Incident

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

On April 11, 2020, at about 11:30 p.m., Ritzville Police Department Reserve Officer Jeffrey Lane (who is also a full-time Adams County Sheriff's deputy) and Washington State Patrol Trooper Nathanael Romaneschi responded to a report of a distressed man at a gas station in Ritzville. When the officers arrived, the son of Shawn Lee approached them and said that he called 911 and that Lee, who was sitting in his truck, was suicidal and armed with a machete. While his son spoke to the officers, Lee exited his truck and raised the machete as he walked toward Romaneschi. Lee's son tried to stop him by stepping in between him and Romaneschi. Both officers commanded Lee to stop and drop the weapon. Lee continued walking toward Romaneschi, turning his back to Lane. Lane then fired his Taser at Lee, which had no effect. Romaneschi then stepped backward away from Lee, but he walked into an anchored garbage can. As Lee continued walking toward Romaneschi with the machete raised, Lane shot Lee three times in the back. Lane and Romaneschi gave first aid to Lee until they were relieved by responding officers. About 16 minutes after the shooting, paramedics transported Lee to the hospital where he died on April 12, 2020.

The Central Basin Investigation Team (CBIT), an independent investigation team (IIT) that investigates police use of deadly force incidents in Adams, Grant and Kittitas counties, responded to the shooting. Investigators from the Moses Lake Police Department and Grant County Sheriff's Office led the investigation, with assistance from the Quincy Police Department and Washington State Patrol.

CBIT completed the investigation on May 4, 2020, and submitted its case files to the Stevens County Prosecuting Attorney's Office. On June 11, 2020, the prosecutor announced that they would not be filing charges against Lane.

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 the 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 Ritzville Police Department and CBIT complied with state laws and rules in the investigation of Shawn Lee’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 assess whether 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, CBIT investigators reported they assumed control of the scene of the shooting upon arrival and excluded investigators from the Ritzville Police Department. We reviewed investigative reports from CBIT's case files, and found that at 11:29 p.m., Romaneschi notified dispatch about the shooting and requested emergency medical services. At about 11:45 p.m., the Adams County Undersheriff contacted CBIT commanders to respond to the scene. By 2:05 a.m., the CBIT commander and the lead investigator arrived and took command of the investigation.

Investigators from the Moses Lake Police Department, Quincy Police Department, Washington State Patrol and the Grant County Sheriff's Office investigated the shooting. We did not find evidence that any employees of the Ritzville Police Department nor the Adams County Sheriff's Office took part in the investigation. Because Romaneschi did not use force in this incident, CBIT did not consider the Washington State Patrol an involved agency. Only one Washington State Patrol investigator participated in the investigation, which involved creating a map of the crime scene.

Transparency

To help provide transparency in investigations, WAC 139-12-030 requires IITs to include at least two community representatives on investigation teams. Community representatives are volunteers, not law enforcement agency employees, and they bring the community's perspective on key processes in use of deadly force investigations. They are meant to review potential conflicts of interest between IIT investigators and involved officers, be present at any briefings with the involved agency, and have access to the completed investigation file.

The Ritzville Police Department Chief contacted community members he knew and thought would credibly represent the community. He chose a county employee and a third-generation farmer who lived in the area to participate in the investigation. CBIT files, including emails and texts to the community representatives, showed they attended all briefings to the involved agencies and reviewed the case files at the end of the investigation. We interviewed both community representatives, who said CBIT was transparent and included them in team meetings and the briefings with the involved agencies.

Communication

We reviewed investigative reports and found CBIT followed most of the required steps to update the public and Lee's family on the investigation's progress. The CBIT commander assigned a family liaison within a few hours of beginning the investigation. Shortly after the investigation started, a CBIT investigator notified Lee's son, who witnessed the shooting, that his father had died at the hospital. The family liaison later contacted several other relatives and told them Lee had died from the shooting. He described his role as their liaison and gave them his phone number.

The WAC requires IITs to provide weekly updates to the public on the investigation's progress while giving the family and community representatives advanced notice of those updates. CBIT issued three press releases over the four-week investigation, missing one required public update. We reviewed text messages from the family liaison, which showed he notified Lee's relatives in advance of the press releases and kept them informed about major developments in the case. He also emailed Lee's wife and son a copy of the first press release that identified Lee by name. The community representatives were emailed notice of the first press release, but we found no evidence that they were notified of subsequent press releases.

The WAC prohibits IITs and involved agencies from providing the media with criminal background information about the person who was killed or injured by police use of deadly force. We reviewed all press releases and the social media profiles of the Ritzville Police Department, Adams County Sheriff's Office, and the Grant County Sheriff's Office, and did not find any indication that either the CBIT or the involved agencies provided criminal background information to the media.

Credibility

CBIT 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 secured the scene of the shooting by marking its perimeter with crime scene tape and directing traffic away from the area. Responding officers made efforts to ensure no one disturbed evidence, and they directed paramedics not to touch any objects at the scene after they provided CPR to Lee and transported him to the hospital.

CBIT investigators and responding officers marked evidence with orange cones, and they photographed and recorded video of the scene. They located key pieces of evidence, including three shell casings, a discharged Taser and a machete. Investigators used a laser scanner to create three-dimensional images of the scene. They photographed Lane and his equipment, clothing, and gun, as well as documented the number of bullets in his gun.

CBIT investigators requested security camera footage from the gas station, but they were unable to obtain any that recorded the shooting. Romaneschi was not wearing a body camera, as the Washington State Patrol did not equip officers with them. The Ritzville Police Department issued body-worn cameras to its officers, but leaves it to each officer's discretion on when to wear it. Lane was not wearing his camera at the time of the shooting. However, investigators watched Romaneschi's dash camera footage, which recorded the shooting. The footage had not been reviewed by anyone before the CBIT investigators.

Interviewing Involved Officers and Witnesses

CBIT member agency policies state that after a use of force incident, involved officer(s) are transported separately to a suitable location, and that all involved officers are to be given administrative orders not to discuss the incident with each other, or their own department members, until formal statements or interviews have been conducted. The policy further states that involved officers are not permitted to meet collectively or in groups with attorneys or therapists before being interviewed.

In keeping with CBIT's policy and best practice, responding officers removed Lane from the immediate scene and a deputy or sergeant stayed with him at all times. CBIT investigators requested responding supervisors remove Lane from the scene and take him to the Ritzville police station so he could be processed. The case file did not have documentation that indicated responding supervisors directed Lane to not discuss the shooting, but the CBIT commander said all officers of each member agency are trained to do so.

CBIT policy requires waiting 48 to 72 hours before taking a voluntary statement from an officer involved in a deadly use of force incident. The policy also highlights that involved officers have a constitutional right not to make a statement, which is granted to other people during a criminal investigation. CBIT's investigation files did not indicate whether investigators requested an interview with Lane. However, Lane provided a written statement on April 25, 2020, two weeks after the shooting, describing the incident. The day after the shooting, Romaneschi also described the incident in an audio and video recorded walk-through of the scene. Romaneschi also provided a written statement on April 21, 2020.

CBIT investigators interviewed Lee's son, who witnessed the shooting, and two gas station employees who were working when it happened. CBIT investigators also conducted audio recorded interviews with the paramedics who responded to the scene and transported Lee to the hospital.

Case File Integrity

CBIT policy discourages the use of a records management system that can be accessed by multiple police departments to prevent unauthorized viewing. If they do, the policy mandates that the CBIT commander ensure IIT investigation files are accessible only to the IIT if an accessible records

management system must be used. CBIT's policy also requires the CBIT commander to prevent contamination of the IIT investigation by information gained from any administrative investigation that may also occur. Administrative investigations are conducted by the involved agency to determine if officers violated any department policies.

We reviewed the access logs for CBIT's electronic case file and found no evidence that any employees of the involved agencies accessed the investigation files during the case. However, access logs showed that multiple officers who were not part of the investigation opened the case files. According to the CBIT commander, while the case files held in the records management system were not restricted, records and documents created by the CBIT investigators were stored on investigators' assigned work computers, preventing unauthorized access. The records management system only contained narrative reports from witness officers and responding officers.

We did not find any evidence of the IIT receiving prohibited content during the investigation.

Both community representatives also signed confidentiality agreements, barring them from revealing information about the investigation.

Conflicts of Interest

Conflicts of interest assessments exist to identify possible conflicts between IIT members and the officer(s) involved in a use of force incident. A conflict of interest may occur when a person's interest or activity influences, or appears to influence, their ability to exercise objectivity or impair their ability to objectively investigate a police use of force incident.

Neither the IIT investigators nor the community representatives completed written conflicts of interest forms because the CJTC had not yet created them. However, the investigation file noted the CBIT commander asked investigators assigned to the case if they knew Lane and had any work or personal relationships with him after CBIT's first meeting regarding the incident on April 12, 2020. None of the investigators reported that they knew him. The CBIT commander did not ask any questions about potential biases, as the WAC requires. CBIT has since adopted the CJTC's conflict of interest form.

CBIT's investigation files also did not document whether the commander conducted any sort of conflicts of interest assessment with the community representatives, which is also required. However, the CBIT commander said he asked the community representatives the same questions as the investigators. We interviewed the community representatives, but neither could recall whether they completed an assessment. Both said they did not know Lee or Lane. CBIT has since adopted the CJTC's template conflict of interest form.

TEAM REQUIREMENTS

Results in Brief

WAC 139-12-030 requires IITs to adhere to specific team-related requirements to ensure the team is credible and transparent. We found CBIT is compliant with most of the team-related requirements. These requirements include, but are not limited to, ensuring lead investigators have requisite training and experience to conduct a criminal investigation, maintaining a roster of community representatives who have credibility and ties to communities affected by police use of deadly force and training officers to implement firewalls to prevent the sharing of prohibited information.

We found some instances where CBIT is not following state rules related to team requirements. Specifically, we found CBIT does not:

- Follow a selection process for investigators that includes an interview where the same questions are asked of each applicant.
- Have a process in place to assess CBIT members for misconduct and dishonorable behavior.
- Include community representatives in vetting, interviewing, and/or selecting CBIT investigators.

Investigators

Selection Process

The WAC requires a panel, consisting of community representatives and IIT members, to interview applicants for IIT investigator positions. The interview questions are required to be the same for all applicants and pertinent to the investigator role. The IIT commander will consider recommendations by the panel and will decide if an applicant is suited for membership on the IIT.

During our interview, the CBIT commander explained that the IIT does not have a separate selection process to choose CBIT members. Given that CBIT member agencies are relatively small, the CBIT commander explained they rely on each other and all detectives from member agencies are automatically part of the IIT. Officers from most of the member agencies rotate from patrol to detective positions every three to six years. When the officers serve as detectives, they also serve on the IIT when needed.

Experience

The WAC requires an IIT investigator to be employed by a member agency, and have previous experience as a detective or investigator, or have special skills or experience necessary for the team. CBIT's policy restates these requirements, and its current roster of members are all

employed by member agencies. Given CBIT investigators are detectives within their respective departments when they join CBIT, each member, by default, meets the WAC's requirements to join an IIT.

Honorable Behavior and Misconduct

In addition to the conflict of interest assessments, CBIT 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 investigation objectively. Examples of disqualifying conduct could be discriminatory behavior, threats of violence, harassment, or falsifying records. The rules the CJTC has established do not describe how IITs should verify members' work history.

CBIT does not currently have process in place to evaluate incoming or current members for past misconduct or dishonorable behavior. However, the CBIT commander explained that the process for becoming a detective with a member agency would include a review of any misconduct or dishonorable behavior. CBIT is currently working to create a standard form to distribute to member agencies that would allow the chief or sheriff of that agency to certify that respective IIT members are in good standing and meet all the WAC's requirements for CBIT membership. CBIT will require the chief or sheriff of the agency to sign their respective employees' form to attest to their qualifications.

Ultimately, CBIT did not have records we could examine to independently verify that investigators did not have any personal and professional histories of misconduct. However, 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 serious misconduct, which could offer a verification process.

Community Representatives

Selection Process

CBIT relies on member agencies to create a transparent process for soliciting names and creating a roster of people willing to serve as community representatives on use of deadly force investigations. The CBIT commander said member agencies have their own recruitment practices, but they all look for people to serve in this capacity who are well respected and have credibility with their communities. People with ties to schools, churches, and/or civic groups are a heavy focus for member agencies when recruiting for community representative positions. However, some member agencies also seek recommendations from city or county council members, or other elected officials, on people they know who are involved in different aspects of the community. Aside from recruitment practices, some member agencies will release a letter of interest to the public to solicit people who are interested in the position for consideration. Currently, CBIT's roster includes 39 people in cities across Grant, Adams and Kittitas counties who are willing to serve as a community representative for a CBIT investigation.

Participation in Investigator Selection

The WAC requires community representatives not only be involved in specific processes during an active investigation, such as reviewing investigators' conflicts of interest forms, but also be directly involved in vetting, interviewing, or selecting investigators to serve on an IIT.

CBIT does not currently have a selection process for its investigators, therefore, the community representatives do not participate in vetting, interviewing, or selecting IIT investigators. However, the CBIT commander explained that once the CJTC makes available planned training for community representatives, CBIT will require its community representatives to complete it. After finishing the training, community representatives will then review IIT members' resumes on a regular basis for vetting purposes.

Training

Lead Investigator

The WAC requires investigators to have specific training and/or experience to be in a lead investigator role. The lead investigator role requires the completion of basic training or having two or more years of relevant, full-time criminal investigation experience to substitute for basic training, and at least eight hours of ongoing annual advanced training related to criminal investigations. The CJTC developed a lead investigator certificate for members of IITs who meet the requirements of the lead investigator role. The application for the lead investigator certificate was made available in September of 2020.

Since the Lee investigation occurred before the certificate was available, we reviewed the training records of both lead investigators. At the time of the investigation, one lead had more than nine years of experience in criminal investigations. Both lead investigators had taken multiple hours of basic and advanced training in criminal investigations throughout their careers in law enforcement, meeting the WAC's requirements of the lead investigator role.

CBIT currently lists seven detectives on its roster who have the lead investigator certificate and an additional five detectives who have submitted their applications for it. CBIT's protocol requires all its members obtain the lead investigator certificate within two years of joining the IIT. The CBIT commander said that only IIT members with the certificate are assigned as the lead investigator on current investigations.

Team Training

As a unit, an IIT is required to train annually. Annual team training is included in CBIT's policy as protocol, and we received documentation showing the IIT conducted annual team training in 2020, 2021 and 2022.

Firewalls

To help uphold an investigation's credibility, IIT commanders must create and enforce firewalls – a process to prevent the sharing of prohibited information, such as compelled statements or investigative information stemming from compelled statements, to the IIT by the involved agency. CBIT and member agencies address prohibited content in their policies, specifically prohibiting the involved agency from sharing any information with CBIT that was compelled, unless the officer who provided the compelled statement agrees to it. CBIT members are also to be proactive in discovering if information they receive from the involved agency is prohibited.

Public Information

Policies, Operating Procedures & IIT Members' Names

To help provide transparency in investigations, WAC 139-12-030 requires IITs to make its policies, operating procedures, and the names of IIT members, including supervisors, commanders, and community representatives, available to the public. CBIT's policies and operating procedures are currently available to the public by request, but CBIT plans to work with its executive board to publish them in an online format soon. The CJTC's website lists the current CBIT roster.

Recommendations

We recommend CBIT:

- Establish a process to assess its members for misconduct and dishonorable behavior
- Ensure it includes community representatives in vetting, interviewing, or selecting CBIT investigators

RECOMMENDATIONS

We recommend CBIT:

- Ensure that access to the case file is properly limited to CBIT members participating in the investigation
- Provide required weekly public updates about the investigation
- Notify community representatives about all press releases before sending them to the media, and maintain documentation showing that it did so

We also recommend CBIT's member agencies give administrative orders to involved officers to not speak about a use of deadly force incident before providing statements to CBIT and maintain documentation indicating they did so.

Regarding team-related requirements found in WAC, we recommend CBIT:

- Establish a process to assess its members for misconduct and dishonorable behavior
- Ensure it includes community representatives in vetting, interviewing, or selecting CBIT investigators

INDEPENDENT INVESTIGATION TEAM RESPONSE

Central Basin Investigation Team

Representing law enforcement agencies throughout Grant, Adams, and Kittitas Counties

June 21, 2023

Honorable Pat McCarthy
Washington State Auditor's Office
PO Box 40021
Olympia, WA 98504

CBIT response to the Use of Deadly Force Investigation Audit, "The Shawn Lee Case."

Thank you for the opportunity to reply to this audit process involving the Shawn Lee investigation into the use of deadly force that occurred April 11, 2020. CBIT agreed to participate in the audit process and welcomed any feedback to ensure we are following best practices and in compliance with state law.

Central Basin Investigation Team (CBIT) is dedicated to conducting a thorough, independent, consistent, and timely investigations into officer involved deadly force, significant uses of force where serious bodily injury occurs, officer involved accidents that result in substantial bodily injury or death, in custody deaths, and homicides. The use of a multi-agency team is also meant to ensure public trust and transparency in an officer involved incident.

We agree and support the mission of the audit team and recognize the importance of their work to help make our processes better. The audit pointed out some deficiencies that we have already been working on or already fixed. We also continue to develop processes that help use make sure we are meeting the necessary requirements to maintain an independent, transparent, and credible investigation.

Thank you all for your efforts to ensure the audit was thorough and complete.

Sincerely,



Chief Ryan Green
Quincy Police Department
(Former - CBIT Commander)

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. 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 people. The rules define the elements of an independent investigation, and they 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 Ritzville Police Department and the Central Basin Investigation Team (CBIT) complied with state laws and rules regarding the investigation of the use of deadly force that resulted in the death of Shawn Lee. 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 Ritzville Police Department and CBIT complied with state laws and rules regarding independent investigations of police use of deadly force.

Methodology

To determine whether the Ritzville Police Department and CBIT 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 not to limit the scope of our audits of investigations that occurred before September 2020.

APPENDIX B: WAC 139-12-030 COMPLIANCE SUMMARY

Independence

Requirement	Compliant?
The involved agency and/or other first responders will provide or facilitate first aid at the scene if necessary.	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"> Review conflict of interest statements submitted within 72 hours of the commencement of each investigation 	Not applicable
<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 	No
<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):	Yes
<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. 	Not applicable
<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
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
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 that assesses work and social conflicts and biases.	No
The conflict assessment will be reviewed and discussed by the community representatives and the IIT commander.	Not applicable

Team-Related Requirements

Requirement	Compliant?
All IIT leadership shall be commissioned peace officer(s) with previous experience in criminal investigations.	Yes
The chiefs and sheriffs shall appoint the IIT leadership team, which may include an IIT commander, assistant commander, or co-commander.	Yes
The IIT supervisors shall be recommended by their agency to the IIT commander.	Yes
IIT 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
Investigators must be employed by a member agency of the IIT.	Yes
All applicants for the investigator position on an IIT are interviewed by a panel consisting of community representatives and other members of the IIT selected by the IIT commander.	No
All applicants shall be interviewed using criteria pertinent for the position of IIT investigator. The same questions should be asked of each applicant.	No
At the conclusion of the panel, the IIT commander shall consider its recommendations and select those best suited for the needs of the IIT.	No
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, or have at least two years of full-time criminal investigation experience to substitute. Leads must also have an annual minimum of eight hours in advanced training.	Yes
IIT members who do not meet the training requirement are eligible to participate on the IIT, but not in a lead position.	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
Civilian IIT members (crime scene investigators, evidence technicians, etc.) are not required to obtain the qualified lead investigator certificate, but the IIT leadership shall establish reasonable noncommissioned training requirements through their IIT protocol.	Not applicable
The IIT has at least two community representatives on its roster who have credibility with and ties to communities affected by police use of deadly force.	Yes

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 as a community representative.	Yes
The IIT community representatives must be chosen from this list by the chief(s) or sheriff(s) of member agencies.	Yes
A minimum of two community representatives will be assigned to each IIT to participate directly in vetting, interviewing, and/or selecting IIT investigators.	No
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.	Not applicable
The IIT shall train as a unit at least annually.	Yes
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. The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the IIT.	Yes
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

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.

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