



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Cooperative Cities Crime Response Unit – The Said Joquin Case

**Use of Deadly Force Incident on May 1, 2020, by the Lakewood Police
Department**

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Office of the Washington State Auditor

Pat McCarthy

December 21, 2023

Capt. Ryan Portmann
Cooperative Cities Crime Response Unit

Report on Use of Deadly Force Investigation Audit

Attached is the official report on our audit of the investigation into the use of deadly force on May 1, 2020, that resulted in the death of Said Joquin.

The audit assessed the Lakewood Police Department's and the Cooperative Cities Crime Response Unit'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
Hannah Fauchald, Assistant State Auditor

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EXECUTIVE SUMMARY

Results in Brief

Cooperative Cities Crime Response Unit (CRU) investigators and officers involved in the shooting complied with several requirements to ensure the investigation of the shooting that killed Said Joquin was independent, transparent, credible, and communicated to the public timely, as state laws and rules require. These actions included, but were not limited to, securing the incident scene immediately after the shooting, relinquishing control of the scene to CRU once the investigation team arrived, canvassing the scene for witnesses, and assigning a family liaison within 24 hours of the start of the investigation.

We found instances when CRU did not follow state rules, as well as opportunities where documentation could be improved. Specifically, we found CRU did not:

- Select community representatives timely enough so they could be involved in the required processes, including two briefings with the Lakewood Police Department. One community representative was not selected until seven weeks into the investigation, while the other representative was not selected until nearly seven months into the investigation.
- Require investigators to complete conflict of interest assessments within 72 hours of the start of the investigation
- Require the community representatives to complete conflict of interest assessments and sign binding confidentiality agreements
- Provide public updates on the investigation's progress during the first three weeks of the 46-week investigation
- Maintain documentation that it provided an advance copy of four weekly press releases to the first assigned community representative and 13 weekly press releases to the second assigned community representative while they were part of the investigation
- Provide Joquin's family with advanced notification of one of the 43 weekly press releases
- Maintain documentation of the information it provided to the Lakewood Police Department during the first two briefings

We also found that the Lakewood Police Department did not separate involved and witness officers immediately after the shooting. The officers made brief comments about the incident to and in front of each other, and answered questions about the incident that responding officers asked them in front of each other.

Recommendations

CRU no longer investigates police use of deadly force, so we are not making any recommendations in this report. Pierce County law enforcement agencies formed the Pierce County Force Investigation Team in late 2020 in response to WAC 139-12-030. We will make recommendations to this team in future audits.

BACKGROUND

Use of Deadly Force Incident

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

On May 1, 2020, at about 4 p.m., officers Michael Wiley and Zachary Schueller were driving to the Lakewood Police Department after responding to a call. Wiley's vehicle was traveling in front of Schueller's, and they were approaching an intersection when another vehicle driven by Said Joquin failed to stop for a stop sign. Joquin's vehicle abruptly stopped in the intersection, and Wiley had to brake quickly to avoid colliding with the vehicle. Wiley turned on his lights, initiating a traffic stop.

Wiley approached the driver while Schueller approached the passenger sitting in the front seat. Shortly after he reached the driver's side window, Wiley observed a gun underneath the driver's seat, in between Joquin's feet. Wiley said he mouthed to Schueller that there was a gun in the vehicle before drawing his own gun, pointing it at the ground. Wiley told Joquin he could see a weapon in the vehicle and told Joquin that he would be shot if he reached for anything. Wiley instructed Joquin to put his hands on his head. Schueller said he reported the gun in the vehicle to dispatch and drew his gun, also pointing it at the ground. After asking Joquin if he had a permit for the weapon, Wiley said Joquin told him he did not have one. Wiley said he told Joquin that additional officers were coming to the scene to help separate Joquin and his passenger from the gun and out of their vehicle. Wiley repeated that he would shoot Joquin if he did not keep his hands on his head. Joquin said he did not want to get shot.

While waiting for backup officers to arrive, Schueller asked Wiley where the gun was. Schueller said he thought he heard Joquin say something to the extent of, "it is right here." Through his peripheral vision, Schueller said he observed Joquin quickly move his hands from his head down toward his knees. Wiley immediately shot Joquin four times, hitting him three times in the abdomen and once in his upper left arm.

Wiley notified dispatch that he had shot Joquin, and requested aid to the scene. A Lakewood Police sergeant arrived about 30 seconds after the shooting. Wiley remained on the driver's side of Joquin's vehicle, while Schueller removed the passenger and sat him in his patrol vehicle. Additional responding officers arrived and helped Schueller extract Joquin from the vehicle, and they provided first aid until paramedics arrived. Joquin was transported to the hospital, where he was later pronounced dead.

At the time of this officer-involved shooting, Pierce County had not yet established an independent investigation team (IIT) in response to WAC 139-12-030. The Cooperative Cities Crime Response Unit (CRU) responded to the shooting. Formed in the mid-1990s, CRU investigated use of deadly force incidents involving the Bonney Lake, Buckley, Dupont, Fife, Lakewood, Milton, Puyallup, Steilacoom, and Sumner police departments. CRU investigators from the Puyallup, Bonney Lake,

Fife, Milton, and Sumner police departments, as well as the Washington State Patrol, participated in this investigation.

CRU presented its investigation to the Pierce County Prosecuting Attorney's Office on March 8, 2021. The prosecutor wrote in a memo on March 9, 2022, that she would not file charges against Wiley.

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 Lakewood Police Department and CRU complied with state laws and rules in the investigation of the shooting that killed Said Joquin, we reviewed investigative files related to the case, reviewed training records held by the CJTC and member police agencies, and interviewed IIT members. 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, CRU investigators reported they assumed control of the scene of the shooting upon arrival and excluded investigators from the Lakewood Police Department. We reviewed investigative reports from CRU's case files and found that around 4:05 p.m., Wiley reported shots were fired and requested aid to the scene. The Lakewood Police Department then notified CRU and requested the team respond to the incident. The CRU commander called the lead investigator at about 4:10 p.m. and arrived on scene with several other CRU investigators around 4:30 p.m., assuming control of the investigation. Investigators with the Puyallup, Bonney Lake, Fife, Milton, and Sumner police departments, as well as the Washington State Patrol, participated in this investigation. We did not find any evidence that any employees from the Lakewood Police Department took part in the investigation.

The 2020 WAC prohibits IITs from sharing information with an involved agency, except for limited information about the investigation's progress. After reviewing the case files, we found that CRU held three briefings with the Lakewood Police Department during the investigation. During the last briefing, CRU discussed the investigation's findings. We asked the CRU commander what information was shared with Lakewood Police during the first two briefings, but the commander could not recall specifically what was shared. He explained that historically, CRU would provide an initial briefing to the involved agency to largely determine the suitability for the involved officer to return to work. The commander said briefings would also typically cover what CRU had learned up to that point, where the investigation was at, and where it was going, which we determined is beyond the scope allowed by the WAC. Since the information discussed during the briefing was not documented in the case file, we were unable to determine whether investigative information was shared with the Lakewood Police Department.

Transparency

To help provide transparency in investigations, WAC 139-12-030 requires IITs to include at least two community representatives in each investigation. Community representatives are volunteers, not law enforcement agency employees, and they provide the community's perspective on key processes in use of deadly force investigations. They are supposed to complete a confidentiality agreement, be present at any briefings with the involved agency, and have access to the completed investigation file.

At the time of the shooting, the Lakewood Police Department did not have a roster of community representatives, but it eventually selected two people to participate in the investigation. The first community representative was chosen seven weeks after the shooting, and the second community representative was chosen nearly seven months after the shooting. We asked the CRU commander how the Lakewood Police Department selected the community representatives assigned to this investigation, but he said he did not know any specifics. He said the first assigned community representative had a long history of working with the Lakewood Police Department on community issues and was heavily involved in the community. The commander said he thought Lakewood's chief selected people for the role who were thought to be community stakeholders.

CRU did not require the community representatives to sign binding confidentiality agreements. The commander wrote in his narrative report that he did not have an approved one to use.

The commander said community representatives were only present during the final briefing because they had not yet been selected when the first two were held.

We asked the CRU commander if the community representatives had access to the completed investigative file, and he said they had the opportunity to schedule a time to review it if they wanted to. Instructions on how to order CRU's investigation file are also provided to the public on the city of Lakewood's website.

We contacted the first community representative assigned to this investigation for an interview, but he did not respond to our requests. We did not contact the second community representative because the CRU commander said his late assignment to the case greatly limited his participation in the investigation. We determined his minimal participation in this investigation did not fulfill the community representative role that the WAC requires.

Communication

The WAC requires IITs to communicate with the public and family of the person against whom deadly force has been used. The involved agency or IIT is required to notify the family of the use of force incident, and the IIT is required to update the family on all significant developments throughout the investigation. Additionally, the WAC requires an IIT to post, at minimum, weekly public updates on the investigation's progress even if there is no new information to report. The

IIT is supposed to provide the community representatives and the deceased person's family with advanced notification of each press release.

CRU assigned a family liaison at the start of the investigation, as the WAC requires. On the night of the shooting, the Pierce County Medical Examiner's Office notified Joquin's family about his death. The family liaison contacted Joquin's relatives that night after getting their contact information from the medical examiner's office.

CRU issued 43 weekly public updates about the investigation's progress during the 46-week investigation. During an interview, we asked the commander why CRU did not give public updates during the first three weeks of the investigation. The commander said he did not know at the time if he should post public updates without community representatives on the case to review the content first. However, after discussing the issue with a community activist, the commander said they determined it was important to provide the public with updates, regardless of community representatives' review. The commander provided a public update for every week that followed, with the final update given on the day after CRU presented the case to the prosecutor.

CRU issued 38 press releases after the first community representative was assigned, and we found the CRU commander emailed him an advance copy of 34 of those press releases. CRU issued 17 press releases after the second community representative was assigned, and we found he received an advance copy of four of them. The commander said he thought he sent the community representatives an advance copy of all public updates during the weeks they were assigned to the case, but that he could not find additional support demonstrating it. Further, the commander said that if he had known there would be an eventual audit of the investigation when it took place, he would have made better efforts to document his actions to show compliance with the WAC.

After reviewing the family liaison's narrative reports and an email sent to the family, we found support indicating the liaison kept Joquin's family updated on significant developments during the investigation. The liaison also provided the family with advanced notification of almost all the press releases. However, we found the liaison emailed the family notice of one press release one day late; the liaison was working overtime when that notice was sent.

The WAC 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. We reviewed each press release and the social media profiles of the Lakewood Police Department and the CRU commander's agency, the Puyallup Police Department, and did not find any indication that either of them provided criminal background information to the media.

Credibility

Crime Scene Investigation

We found that responding officers secured the scene of the shooting immediately after they arrived. Officers blocked traffic with their vehicles and put crime scene tape around the area. A responding officer reported he marked evidence, such as shell casings and bullets, with business cards to ensure people did not step on them. Another responding officer reported that he stood over two casings to ensure no one moved them. Officers photographed the inside of Joquin's vehicle and maintained an entry and exit log to the scene. The CRU commander arrived on scene about 30 minutes after the shooting, and he observed several Lakewood members within the crime scene's perimeter. The commander instructed the officers to set up a second layer of crime scene tape closer to the shooting scene and remove themselves from the inner perimeter.

At the direction of the CRU commander, a responding officer photographed evidence that would be vulnerable to rainfall later in the evening. Investigators collected evidence, retrieved audio and video recordings captured by Schueller's patrol vehicle, mapped the scene with a scanner, and canvassed the area for witnesses. Investigators photographed Wiley and the witness officer at the Lakewood Police Department, and they conducted round counts on their firearms.

The Washington State Patrol's Crime Scene Response Team processed Joquin's vehicle three days after the shooting, retrieving the gun and storing it as evidence. Investigators later processed the gun for DNA and fingerprints, and subsequently collected DNA and fingerprints from Wiley and the witness and responding officers to determine if they were on the weapon.

On the night of the shooting, a CRU investigator went to the hospital to photograph Joquin's wounds. Later in the investigation, investigators collected Joquin's clothing and bullet fragments that the medical examiner retrieved from his body.

Interviewing Involved Officers and Witnesses

The CJTC had not yet published best practices at the time of this investigation. These practices now require involved agencies to separate involved officers after an incident, as well as prohibit them from discussing the case with other witnesses. We found the Lakewood Police Department's policy aligned with the current best practices. Lakewood Police Department policy states that reasonable efforts shall be made to keep officers and other witnesses separated before witnesses make any statements about an officer-involved shooting. The policy also states that any involved officers are to be transported as quickly as possible to the police station or another suitable location. Further, an uninvolved peer support officer will be assigned to the involved officer, and will keep them insulated from unnecessary contact.

About 30 minutes after the shooting, Wiley and Schueller provided public safety statements to a Lakewood sergeant. At the end of each public safety statement, administrative orders were given to not discuss the incident with anyone before the assigned investigators arrived, to prevent the contamination of their statements. A peer support officer was assigned to each officer, and they were transported back to the station to await processing by CRU investigators.

Before they were separated and given administrative orders, we found that Wiley and Schueller briefly discussed the incident. After being relieved by paramedics from providing aid to Joquin, Schueller walked back to his patrol car where Wiley and another officer were standing. Wiley asked Schueller if he was okay. For seven minutes, Wiley and Schueller stood together, and they were approached and accompanied by other responding officers. We found that Wiley and Schueller made comments about the incident, and they answered questions about it from responding officers. Some of the topics included the traffic stop, which officer shot Joquin, Joquin reaching for the gun, the cover provided by the witness officer, and the officers staying in control during the incident.

CRU's policy states CRU prefers to receive a voluntary written statement from the involved officer, and to conduct a follow-up interview after the statement is reviewed by CRU leadership. The policy also states the follow-up interview should typically occur 48 to 72 hours after an incident.

On May 4, three days after the shooting, the lead investigator contacted Wiley's and Schueller's attorneys to arrange formal statements. The lead investigator received them four days later, on May 8. On May 12, the lead investigator contacted both attorneys to request in-person interviews with each of the officers. They declined to be interviewed, but offered to provide written responses to the questions. Investigators received Schueller's and Wiley's responses on May 17 and May 22, respectively. On December 3, investigators emailed a follow-up question to Wiley's attorney. That same day, Wiley's attorney answered the question on his behalf.

On the night of the shooting, six CRU investigators canvassed the scene and surrounding area for witnesses. In total, CRU spoke with 32 people and recorded one statement. Investigators obtained two videos recorded by witnesses on their phone, but neither of the videos captured the shooting. Investigators contacted 24 additional residents and surrounding businesses, but no one came to the door or the businesses were closed. Later that evening, investigators interviewed the passenger in Joquin's vehicle at the Lakewood Police Department. The interview was audio and video recorded.

Schueller's vehicle was equipped with a dash camera, but the view of the shooting was obstructed by Wiley's vehicle. The camera captured audio from the shooting, but some of it was unintelligible due to traffic noise and overlapping conversation. A Lakewood Police official told CRU investigators that Wiley did not have a body camera and his vehicle did not have in-car video.

Case File Integrity

During an active investigation, the WAC requires an IIT's case file to be restricted from everyone except for IIT members involved with the investigation. We found CRU's case file was restricted to CRU investigators only.

The case file was stored with the commander's agency, the Puyallup Police Department. CRU created the case file on the day of the shooting, and shortly after, a sergeant on the CRU team instructed investigators via email to upload their reports to the CRU case file. Some of the investigators informed the sergeant that they were unable to submit their reports to the case file because they did not have access. A few days later, the sergeant emailed the investigators again to let them know she added their names to the restricted case file. We reviewed an access log to the case file, and did not find that any officers or members of the Lakewood Police Department had accessed it.

The WAC also prohibits IIT members from remaining on an investigation if they receive compelled information that could contaminate the investigation. We did not find any evidence the IIT received prohibited content during the investigation.

Conflicts of Interest

The WAC requires all IIT investigators and community representatives involved in an investigation to complete a conflict of interest assessment within 72 hours of the investigation beginning. This assessment is supposed to include questions on work and social relationships with the involved officer, as well as any potential biases that could affect their objectivity.

We found that all investigators involved in the investigation completed a conflict of interest form, but they did so after the 72-hour deadline. The commander wrote in his narrative report that he did not have an approved conflict of interest form to provide investigators on the night of the shooting. About one month after the shooting, he got the CJTC's draft standard conflict of interest form. After getting approval from officials at CRU member agencies, the commander emailed a form to every investigator participating in the investigation, and requested they complete it within a week. Some of the investigators had questions about the form that required the commander to seek clarification from the CJTC, causing a delay in receiving some of the forms. The commander received a completed form from all investigators within two weeks, which was the seventh week of the investigation.

The commander said he thought the community representatives completed conflict of interest forms, but we could not find them in the case file. He said that he possibly did not require them, considering how late they were assigned to the investigation.

The WAC also requires the CRU commander and both community representatives to review the conflict of interest forms completed by the investigators. Five days after being assigned to the investigation, the first community representative and the commander reviewed the forms together

in person. However, this review did not comply with the 72-hour deadline because it occurred in the eighth week of the investigation.

In total, nine CRU investigators indicated potential conflicts of interest with Wiley. Most of them reported they had been a student in a training class instructed by Wiley, had used the SWAT team Wiley had been part of during a call, and/or had been part of the SWAT team with Wiley for a brief time. However, there were three investigators who had been involved with a prior officer-involved shooting with Wiley. Two of these investigators also reported they had been on the SWAT team with Wiley for many years; one of them reported he had a social relationship with Wiley. The third investigator reported he had used the SWAT team Wiley was on for calls. In response, the commander removed the first two investigators and limited the role of the third one, prohibiting him from handling evidence and interviewing witnesses going forward.

The commander wrote a detailed memo documenting his analysis of the investigators' conflicts of interest, and sent it to the Pierce County Prosecuting Attorney's Office to ensure it was comfortable with his analysis. Previously, the prosecutor responded to a community group concerned that investigators on CRU were involved in a different shooting in which Wiley played a part. The prosecutor said that officers responding to an incident in the past, does not cause a conflict of interest that should limit their involvement in a current investigation.

Recommendations

CRU no longer investigates police use of deadly force, so we are not making any recommendations in this report. Pierce County law enforcement agencies formed the Pierce County Force Investigation Team in late 2020 in response to WAC 139-12-030. We will make recommendations to the Pierce County IIT in future audits.

Team Requirements

CRU was not formed as an IIT under WAC 139-12-030. Therefore, we did not assess CRU's compliance with specific team-related requirements in the WAC that are fulfilled outside of a particular investigation. However, we asked the CRU commander how investigators joined the team. The commander said membership to CRU was voluntary, and the investigators were selected from an application process. Specifically, an oversight committee, which consisted of leaders from member agencies, reviewed applicants and selected those best suited for the team. We also asked the commander if CRU had a process in place to verify that its members' histories were free of misconduct and behavior that would indicate they could not investigate objectively. Examples of disqualifying conduct could be discriminatory behavior, threats of violence, harassment, or falsifying records. The commander said applicants were required to be sponsored by their police chiefs, and because of that, he expected each applicant to have been vetted by the chief during that process.

Since this investigation occurred before law enforcement personnel could apply for the CJTC's lead investigator certificate, we reviewed the training documents of the lead investigator in this investigation. At the time, the lead had more than 13 years of detective experience and had taken both required basic training classes required by the WAC. During an interview with our Office, the CRU commander said that the lead investigator was also an instructor for one of the basic training classes required by the WAC. As a result, we found the lead investigator met the WAC's requirements for the role.

INDEPENDENT INVESTIGATION TEAM RESPONSE



PUYALLUP POLICE DEPARTMENT

City of Puyallup
Public Safety Building
311 West Pioneer
Puyallup, WA 98371
253.841.5415

Scott Engle, Chief of Police

December 13, 2023

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

Dear State Auditor McCarthy,

First, thank you for the opportunity to respond to the State Auditor's Compliance Audit Report titled "Cooperative Cities Crime Response Unit-The Said Joquin Case." We view the audit process as a mechanism to improve transparency between law enforcement and the communities we serve. It also allows other Independent Investigative Teams (IITs) to review their policies and procedures, consider any audit findings, and allow them to improve.

Next, as noted in your report, the Cooperative Cities Crime Response Unit (CRU) no longer operates as an Independent Investigative Team (IIT), as this responsibility now falls on the Pierce County Force Investigation Team (PCFIT). Therefore, the report does not contain any recommendations but focuses solely on the findings identified during the audit process.

Regarding the findings, we have reviewed the report and agree with the findings. That said, we must note that this incident occurred in May of 2020, well before the Washington State Criminal Justice Training Commission produced its "*Independent Investigation of Officer Involved Use of Deadly Force Incident Best Practices guide*" and the Conflict-of-Interest form, both of which were referenced in the Washington Administrative Code under 139.12.030 as documents to be created by the CJTC. Because these documents had not been created by the time of this incident, we were left to navigate the WAC independently, with very limited guidance from the CJTC. We are thankful that the CJTC has since developed the documents they were charged with producing, per the WAC.

In closing, we appreciate the opportunity to participate in the audit process. We hope the report will assist other IITs as they strive for continuous improvement.

Sincerely,

Ryan Portmann
Captain Ryan Portmann
Puyallup Police Department

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 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 2021, 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 Lakewood Police Department and the Cooperative Cities Crime Response Unit (CRU) complied with state laws and rules regarding the investigation of the use of deadly force that resulted in the death of Said Joquin. 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 Lakewood Police Department and CRU complied with state laws and rules regarding independent investigations of police use of deadly force.

Methodology

To determine whether the Lakewood Police Department and CRU 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. 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.	Unable to determine
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?
A minimum of two non-law enforcement community representatives will be assigned to the IIT.	No
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 	No
<ul style="list-style-type: none"> Be present at the briefings with the chief or sheriff of the involved agency 	No
<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.	No
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 advanced notice of all scheduled press releases.	No
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. 	No
<ul style="list-style-type: none"> The involved agency or first responders will separate involved officer(s) and remove them from the immediate scene. 	No
<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. 	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
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 that assesses work and social conflicts and biases.	No
The IIT commander will review the conflict of interest assessments within 72 hours of the start of the investigation.	No
The community representatives and the IIT commander will discuss the conflict of interest assessments.	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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