



Office of the Washington State Auditor
Pat McCarthy

Compliance Audit Report

Reviewing Investigations of Police Use of Deadly Force

Region 3 Critical Incident Investigation Team – The Victor Ortiz-Bucio Case

**Use of Deadly Force Incident on January 13, 2021, by the Thurston County
Sheriff's Office and the Washington State Patrol**

Published April 1, 2024

Report No. 1034561



Scan to see another great way
we're helping advance
#GoodGovernment



Office of the Washington State Auditor

Pat McCarthy

April 1, 2024

Sgt. Jeff Rhoades
Region 3 Critical Incident 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 January 13, 2021, that resulted in serious injury to Victor Ortiz-Bucio.

The audit assessed the Thurston County Sheriff's Office's, the Washington State Patrol's, and the Region 3 Critical Incident 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
Hannah Fauchald, Assistant State Auditor

Americans with Disabilities

In accordance with the Americans with Disabilities Act, we will make this document available in alternative formats. For more information, please contact our Office at (564) 999-0950, TDD Relay at (800) 833-6388, or email our webmaster at webmaster@sao.wa.gov.

TABLE OF CONTENTS

Executive Summary	4
Background	5
Audit Results.....	8
Recommendations	14
Independent Investigation Team Response	15
Appendix A: Authority, Scope, Objective and Methodology.....	17
Appendix B: WAC 139-12-030 Compliance Summary	19
About the State Auditor's Office.....	22

EXECUTIVE SUMMARY

Results in Brief

Region 3 Critical Incident Investigation Team (CIIT) investigators and officers involved in the incident complied with many requirements to ensure the investigation into the shooting that injured Victor Ortiz-Bucio 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 and maintaining a perimeter around the scene of the shooting, relinquishing control of the scene to CIIT once the investigation team arrived, and providing weekly public updates about the investigations progress until the case was presented to the prosecutor.

The audit found some instances where CIIT did not follow state regulations. CIIT did not:

- Restrict access to the case file to CIIT members involved in the investigation
- Require three investigators to complete conflict of interest assessments
- Include questions in its conflict of interest assessments related to potential biases, social conflicts and work conflicts with the involved officer(s)
- Review the conflict of interest assessments completed by the investigators within 72 hours of the start of the investigation

Recommendations

We recommend CIIT:

- Ensure that access to the case file is properly limited to CIIT members participating in the investigation, and maintain documentation to demonstrate that it did so
- Ensure all CIIT investigators and community representatives complete conflict of interest assessments within 72 hours of the start of each investigation. The assessments should include questions related to potential biases, social conflicts and work conflicts with the involved officer(s).
- Ensure the CIIT commander and the community representatives review and discuss conflict of interest forms within 72 hours from the start of the investigation

BACKGROUND

Use of Deadly Force Incident

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

On January 13, 2021, at around 8:05 p.m., a Thurston County Sheriff's deputy saw a truck driving fast down a county road. After catching up to the vehicle, the deputy told dispatch he would attempt a traffic stop. The deputy turned on his emergency lights, but the vehicle, driven by Victor Ortiz-Bucio, fled. Additional Thurston County Sheriff's deputies and Washington State Patrol troopers joined the pursuit.

The pursuit led on to Interstate 5, and at about 8:20 p.m., Ortiz-Bucio pulled over and stopped inside of a grassy median. Deputies and troopers parked behind Ortiz-Bucio's vehicle and exited with their firearms drawn. Deputies reported Ortiz-Bucio opened his door and looked back at the deputies before pulling back into his vehicle, leaving his leg hanging outside of his open door. The deputies commanded Ortiz-Bucio to exit the vehicle with his hands up. Ortiz-Bucio exited his vehicle and immediately raised his arm, pointing a gun at the deputies. In response, Thurston County Sheriff's deputies Tyler Turpin, Devin Bagby, Kyle Peters, Joel Nault and Andrea Moore, as well as Washington State Patrol Trooper Addison Schahfer, fired 24 shots at Ortiz-Bucio striking him five times. Just prior to firing his gun, Turpin released his police dog who was running toward Ortiz-Bucio as the officers fired and was accidentally struck and injured by one of their shots. Deputies called dispatch to report the shooting and Ortiz-Bucio's and the K9's injuries.

After about 12 minutes, Ortiz-Bucio followed orders to move away from his vehicle, and the K9 crawled far enough away from Ortiz-Bucio for deputies to park one of their vehicles in between them. Ortiz-Bucio was handcuffed, provided aid, and transported by paramedics to the hospital for treatment, and Turpin took the K9 to a veterinary hospital. Ortiz-Bucio survived one gunshot wound to his abdomen, three to his left leg and a grazing wound to his left wrist. On January 25, 2021, Ortiz-Bucio was released from the hospital and booked into the Thurston County jail.

The Region 3 Critical Incident Investigation Team (CIIT), the independent investigation team that investigates police use of deadly force incidents in Grays Harbor, Lewis, Mason, Pacific and Thurston counties, responded to the shooting. Investigators from the Mason County Sheriff's Office led the investigation, with assistance from the Grays Harbor and Lewis county sheriff's offices.

CIIT presented its investigation to the Mason County Prosecuting Attorney's Office on February 12, 2021. The prosecutor reviewed the case and wrote in a memo on March 10, 2021, that he would not file charges against the six officers.

Independent Investigation Teams

Voters approved Initiative 940 in 2018. It ensures that one of an independent investigation team's (IIT) 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 Thurston County Sheriff's Office, the Washington State Patrol and CIIT complied with state laws and rules in the investigation of the shooting that injured Victor Ortiz-Bucio, 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, CIIT investigators assumed control of the shooting scene upon arrival and excluded officers from the Thurston County Sheriff's Office and the Washington State Patrol. We reviewed investigative reports from CIIT's case files and found that at around 8:25 p.m., deputies on scene reported shots were fired and that Ortiz-Bucio and the K9 were injured. At around 9 p.m., the Thurston County Sheriff's Office notified CIIT of the shooting. The CIIT commander activated the IIT, and investigators began to arrive on scene around 9:40 p.m. The commander arrived on scene around 10 p.m., assuming control of the investigation.

Investigators from the Mason County Sheriff's Office led the investigation, with assistance from the Grays Harbor and Lewis County sheriff's offices.

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.

CIIT included two community representatives in the investigation, and they each signed a confidentiality agreement during the first week of the investigation.

CIIT held two briefings with the Thurston County Sheriff's Office and the Washington State Patrol during the investigation. The community representatives attended both briefings. The first briefing occurred about three weeks into the four-week investigation, and the commander wrote in a narrative report that he provided simple updates during the briefing. During an interview, we asked the commander what information was shared. He said CIIT informed the agencies that investigators determined Ortiz-Bucio's gun was nonfunctional, so law enforcement was responsible for shooting the K9. The commander explained that CIIT members thought it was

important to share this detail with the involved agencies. During our interview with one of the community representatives, he said the briefing entailed a general overview of the case and the investigative process. During the last briefing, CIIT presented its findings.

CIIT's confidentiality agreement states that the community representatives have access to the investigation file upon completion of the case. The CIIT commander said that the final briefing covers the case in full, and that he would have provided the completed case file to the community representatives upon their request. We interviewed the community representatives, and they each said they knew they had complete access to the case file when the investigation was finished.

Communication

The WAC requires IITs to communicate with the family of the person who was killed or injured by police use of deadly force. The involved agency or IIT is required to notify the family of the use of force incident, and the IIT is required to provide the family with updates 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 family with advanced notification of each press release.

Prior to the shooting, Ortiz-Bucio called one of his relatives to tell them he was in an active police pursuit. Ortiz-Bucio hung up on the relative, but they found the location of the eventual shooting. The relative went to the scene and spoke with CIIT members. CIIT assigned a family liaison the following day. The liaison met with the family, and wrote in her narrative report that she updated them during the investigation. We also found CIIT included all significant developments in its weekly public updates during the active investigation.

CIIT provided a public update on the investigation's progress during each week of the four-week investigation until the case was presented to the prosecutor. The commander wrote in his narrative report that an advance copy of each press release was sent to the community representatives and Ortiz-Bucio's family before it was provided to the media. The community representatives we interviewed said they received an advance copy of each press release and knew they could contact the commander with any questions or concerns.

The WAC prohibits IITs and involved agencies from providing criminal background information to the media about the person who was killed or injured by police use of deadly force. We reviewed each press release, several online news articles, and the social media profiles of the Thurston County Sheriff's Office, the Washington State Patrol, the CIIT commander's agency, and the Mason County Sheriff's Office, and did not find any indication that any of them provided criminal background information to the media.

Credibility

Crime Scene Investigation

We reviewed investigative files and found that responding Thurston County Sheriff's deputies and Washington State Patrol troopers secured the scene of the shooting shortly after they arrived. Deputies and troopers closed all the freeway lanes leading through the incident, provided scene security, and put up crime scene tape around the scene perimeter. Responding officers also marked evidence they found, such as shell casings, with traffic cones, and used crime scene tape to isolate marked areas.

CIIT investigators canvassed the scene for witnesses, and recorded interviews with two drivers. Investigators continued to mark evidence with placards, took photographs, and mapped the scene using a scanner. While inspecting Ortiz-Bucio's gun, investigators found that both the chamber and magazine were empty. They later determined the gun was nonfunctional. Investigators inventoried and inspected each of the on-scene patrol vehicles and collected video footage of the shooting that two of the vehicles captured. Investigators processed the six involved officers at their respective stations. Investigators photographed each officer and collected their clothing and equipment for evidence.

Six days after the shooting, investigators processed Ortiz-Bucio's vehicle and collected evidence after securing a search warrant. Investigators sent evidence, including all the firearms, shell casings, bullets, and fragments collected from the scene and the K9 at the veterinarian hospital, to the FBI for analysis.

Interviewing Involved Officers and Witnesses

The CJTC's published best practices require involved agencies to separate involved officers after an incident, as well as prevent them from discussing the case with other witnesses before all their statements have been taken. We found the Washington State Patrol's policy aligned with current best practices, which prohibits all involved officers from discussing the incident with anyone before they have provided a statement to investigators. The Thurston County Sheriff's Office's policy does not include specific language prohibiting involved officers from discussing the case with other witnesses, but it does state an uninvolved peer support officer will be assigned to the involved officer and will keep them insulated from unnecessary contact.

After the shooting, Schahfer, Bagby, Peters, Nault and Moore identified themselves as involved officers, and they were all placed in separate patrol vehicles. Schahfer was transported to a Washington State Patrol facility and was processed by CIIT investigators later that night. The five deputies were transported to the Thurston County Sheriff's Office.

Turpin was not initially identified as an involved officer because he went to the veterinarian with the injured K9, so he was not on scene when involved deputies were asked to identify themselves. A witness deputy called Turpin and confirmed that he had shot at Ortiz-Bucio. The deputy reported

that he told Turpin to not change his clothes or remove any of his equipment, and to not discuss the shooting. The deputy said in his narrative report that he informed other Thurston County Sheriff's officials of Turpin's involvement so CIIT investigators could coordinate his processing. Shortly after, a deputy picked up Turpin and transported him to the station. At the station, the deputies were told not to speak to each other, and they were placed in separate offices until they were processed by CIIT investigators.

We found no indication in the case file that any of the involved officers directly discussed the shooting with each other or any other witnesses before providing their statements to investigators. However, on January 15, 2021, which was two days after the shooting, a CIIT investigator learned that Turpin had created numerous social media accounts and was posting updates on the K9's condition. In one of the videos, Turpin said the K9 had been shot two times by Ortiz-Bucio. The CIIT investigator said he contacted an official at the Thurston County Sheriff's Office and requested that Turpin be instructed not to speak of the incident, as he had not yet provided a statement to investigators. The video of Turpin saying the K9 was shot by Ortiz-Bucio was taken down by the next day. On January 19, 2021, the investigator found that Turpin posted another video discussing the shooting. Only two involved officers, including Turpin, had provided statements to CIIT by that point. The investigator contacted an official at the Thurston County Sheriff's Office and reiterated his request to advise Turpin to stop commenting on the case while it was still being investigated.

On January 15, 2021, a CIIT investigator contacted the attorneys representing the five Thurston County Sheriff's deputies to schedule interviews. With their attorneys present, CIIT interviewed Turpin and Moore on January 19, 2021, and interviewed Bagby, Peters and Nault on January 21, 2021. Bagby, Peters and Nault each read a prepared statement about what happened on the day of the shooting, and then answered follow-up questions from investigators. Each interview was audio recorded.

On January 19, 2021, a CIIT investigator contacted the Washington State Patrol trooper's attorney to schedule an interview. The attorney said she would consult with Schahfer and get back to CIIT. They scheduled an interview for January 25, 2021, where Schahfer and his attorney viewed the video captured by his dash camera. Afterward, the attorney said Schahfer would provide a written statement to CIIT by the end of the week. CIIT received Schahfer's statement on January 27, 2021.

On the night of the shooting, the CIIT commander and a Thurston County prosecutor decided that the Thurston County Sheriff's Office would provide security for Ortiz-Bucio while he was at the hospital, because of the high cost for other CIIT member agencies to do so. Ortiz-Bucio was intubated and sedated in the hospital for four days. On January 18, 2021, five days after the shooting, investigators interviewed Ortiz-Bucio in the hospital. A Thurston County Sheriff's deputy, who was providing security, was also in the room during the interview.

The WAC prohibits IITs from sharing information with any member of an involved agency, except for limited information about the investigation's progress. We asked the commander if the deputy was asked to step outside the room while the interview with Ortiz-Bucio took place. The commander said the hospital did not allow anybody to linger in the hallways of the intensive care unit, so the deputy just stood behind a curtain in the room while the interview occurred. The interview was audio recorded, and the deputy did not participate in the interview.

At the time of this shooting, the Thurston County Sheriff's Office did not equip deputies or their vehicles with cameras. The Washington State Patrol did not equip troopers with body cameras, but did equip their vehicles with dash cameras. Investigators collected the videos captured by Schahfer's and another witness trooper's patrol vehicles. The video from Schahfer's vehicle captured the shooting.

Case File Integrity

During an active investigation, the CJTC's best practices require an IIT's case file to be restricted from everyone except for IIT members involved with the investigation. To keep investigative information secure, the CIIT commander explained that each member agency has an independent records management system, which prevents an involved agency from having access to any ongoing investigation. The commander said that CIIT interpreted the WAC to require IITs to isolate the case file from the involved agency only, not also those who were not assigned to the case. CIIT did not have access logs we could review to verify its compliance with this rule.

The WAC prohibits IIT members from remaining on an investigation if they receive compelled information that could contaminate the investigation. During an interview, the CIIT commander explained that the IIT's member agencies do not begin their administrative investigations until the criminal investigation is complete. This ensures that no compelled statements or other information is discovered or created by the involved agency during CIIT's criminal investigation.

Conflicts of Interest

Conflict of interest assessments exist to identify possible conflicts between IIT members and the officers 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 impairs their ability to objectively investigate a police use of force incident. The WAC requires the investigators and community representatives to complete a conflict of interest form within 72 hours of the start of the investigation.

Fourteen out of 17 CIIT investigators completed conflict of interest forms, and did so within 72 hours of the start of the investigation. We asked the commander why three investigators did not complete a form. The commander said he did not recall if the three investigators were part of the initial response on the night of the shooting. Since it is typically one of the first thing investigators do, the commander said it was likely an oversight that they were not asked to complete a form.

The community representatives did not complete a conflict of interest form like the investigators did. Two days after the shooting, the commander emailed the community representatives the names of the six involved officers and asked them to inform him immediately if they had conflicts with any of them. The form investigators completed included questions about specific social and work conflicts with the involved officers. However, unlike the CJTC's standard conflict of interest form, CIIT's form did not include any questions about potential biases that could affect investigators' objectivity. CIIT has since adopted a new form that includes similar questions to the CJTC's standard form.

Six days after the shooting, the commander and community representatives met in person and reviewed the conflict of interest forms completed by the investigators. However, about three weeks later, the commander discovered they had accidentally only reviewed forms completed by Mason and Lewis county sheriff's investigators, and missed reviewing forms completed by the Grays Harbor County Sheriff's investigators. The commander emailed the unreviewed forms to the community representatives the same day, and both quickly replied that they found no issues. Although all completed forms were reviewed by the commander and the community representatives, both review dates occurred outside of the WAC's 72-hour requirement.

Three investigators from the Mason County Sheriff's Office indicated potential conflicts of interest with Nault, who was previously employed at that office. One investigator indicated he had worked with Nault before, while another said they possibly could have socialized with Nault at work-related social events. The third investigator indicated they used to work at the same agency as Nault, but that they did not work with him directly. The commander wrote in his narrative report that these reported conflicts were discovered on the night of the shooting, and that he decided investigators from the Mason County Sheriff's Office would not interview Nault. The commander also wrote in his narrative report that he discussed the conflicts and the decision regarding Nault's interview with both community representatives when they met to review conflict of interest forms.

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

RECOMMENDATIONS

We recommend CIIT:

- Ensure that access to the case file is properly limited to CIIT members participating in the investigation, and maintain documentation to demonstrate that it did so
- Ensure all CIIT investigators and community representatives complete conflict of interest assessments within 72 hours of the start of each investigation. The assessments should include questions related to potential biases, social conflicts and work conflicts with the involved officer(s).
- Ensure the CIIT commander and the community representatives review and discuss conflict of interest forms within 72 hours from the start of the investigation

INDEPENDENT INVESTIGATION TEAM RESPONSE

Kevin and Michael,

I am in receipt of your two completed SAO Audits of the Region 3 CIIT investigations regarding the officer involved shootings of Victor Ortiz-Bucio and Ronald Clayton. Having reviewed the proposed reports, I did find some factual inaccuracies that have since been corrected and believe that the SAO team's recitation of the investigations is now correct. I would like to take the time to individually address the areas of non-compliance noted in the audits and provide context for each.

Regarding the Victor Ortiz-Bucio shooting that occurred in Thurston County on 01/13/2021, the audit report indicates CIIT did not:

- 1. Restrict access to the case file to IIT members involved in the investigation.**

The Region 3 CIIT is comprised of investigators from the Grays Harbor, Lewis, Mason, Pacific, and Thurston County Sheriff's Offices. Each of the five member agencies has their own Records Management System (RMS) that they are responsible for maintaining. Each of those systems is independent of one another and are only accessible by members of the respective agency.

- 2. Require three investigators to complete conflict of interest assessments.**

The night of the incident, multiple CIIT members responded to the scene and filled out the conflict of interest assessments. In the days/weeks that followed, additional CIIT members assisted in the investigation that were not part of the initial response. It was an oversight on the part of the CIIT Commander that these members did not fill out the conflict of interest assessments.

- 3. Include questions in its conflict of interest assessments related to potential biases, social conflicts and work conflicts with the involved officer(s).**

The conflict of interest statements included six questions regarding different potential conflicts with the involved Officers/Troopers/Deputies.

1. Do you, or have you; had a professional relationship with the involved officer?
2. Do you, or have you; had a personal relationship with the involved officer?
3. Have you ever socialized with the involved officer?
4. Do you, or have you; had any financial transactions with the involved officer?
5. Can you participate in an unbiased investigation involving this officer?
6. Is there any additional information you have relevant to disclose about this involved employee?

CIIT has since revised their conflict of interest form to cover issues regarding social biases.

- 4. Review the conflict of interest assessments completed by the investigators within 72 hours of the start of the investigation.**

Scheduling conflicts with the community representatives made this task impossible. All of the conflict of interest statements were ultimately reviewed by the community representatives and no conflicts were noted.

Respectfully,

Jeff Rhoades

Detective Sergeant, Mason County Sheriff's Office

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 officers. 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 Thurston County Sheriff's Office, the Washington State Patrol, and the Region 3 Critical Incident Investigation Team (CIIT) complied with state laws and rules regarding the investigation of the use of deadly force that occurred on January 13, 2021. 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 Thurston County Sheriff's Office, the Washington State Patrol, and CIIT complied with state laws and rules regarding independent investigations of police use of deadly force.

Methodology

To determine whether the Thurston County Sheriff's Office, the Washington State Patrol, and CIIT 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 the 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.

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.	Yes

Transparency

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

Communication

Requirement	Compliant?
A family member of the person against whom deadly force has been used will be notified of the incident as soon as possible.	Yes
The IIT will assign a family liaison within the first 24 hours of the investigation.	Yes
The family liaison will keep the family informed about all significant developments in the investigation.	Yes
The family liaison will give the family advanced notice of all scheduled press releases.	Yes
Neither the involved agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.	Yes
The involved agency will notify the Governor's Office of Indian Affairs (GOIA) in accordance with RCW 10.114.021 if the person against whom deadly force is used is a member of a federally recognized tribe.	Not applicable
A member of the IIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) informed about all significant developments of the investigation.	Not applicable

Credibility

Requirement	Compliant?
The involved agency and other first responders will secure the incident scene and maintain its integrity until the IIT arrives.	Yes
The involved agency and other first responders will locate and preserve evanescent evidence.	Yes
The IIT will follow these accepted best practices for homicide investigations published and annually updated by the Washington State Criminal Justice Training Center (CJTC):	
<ul style="list-style-type: none"> Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses. 	Yes
<ul style="list-style-type: none"> The involved agency or first responders will separate involved officer(s) and remove them from the immediate scene. 	Yes
<ul style="list-style-type: none"> The IIT will obtain statements from subjects and witnesses. Audio and/or video recording is preferred and should be attempted. 	Yes
<ul style="list-style-type: none"> Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement and case law. 	Yes
<ul style="list-style-type: none"> Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene. 	Yes
<ul style="list-style-type: none"> The IIT will canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available. 	Yes
<ul style="list-style-type: none"> In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations. 	Not applicable
<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 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 assessment 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.

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

Stay connected at sao.wa.gov

- [Find your audit team](#)
- [Request public records](#)
- Search BARS Manuals ([GAAP](#) and [cash](#)), and find [reporting templates](#)
- Learn about our [training workshops](#) and [on-demand videos](#)
- Discover [which governments serve you](#) — enter an address on our map
- Explore public financial data with the [Financial Intelligence Tool](#)

Other ways to stay in touch

- Main telephone:
(564) 999-0950
- Toll-free Citizen Hotline:
(866) 902-3900
- Email:
webmaster@sao.wa.gov