



Bob Ferguson

## ATTORNEY GENERAL OF WASHINGTON

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September 8, 2016

The Honorable Jay Inslee  
Governor of Washington  
PO Box 40002  
Olympia, WA 98504-0002

Dear Governor Inslee:

On September 9, 2015, you requested that the Attorney General's Office review the fatal shooting of Antonio Zambrano-Montes by officers of the Pasco Police Department. As described in the enclosed release, my office has completed that review. After careful consideration of the evidence and the applicable law, we have concluded that Washington law does not support bringing criminal charges against the involved police officers.

This was a challenging and difficult case. I understand that my decision will disappoint, and even anger, many people in our state. As you know, Mr. Zambrano-Montes's death has caused significant pain for the members of his family, and for the larger community in Pasco. While I am confident that my decision not to bring charges is legally correct, I am deeply troubled by Mr. Zambrano-Montes's death. I believe that the use of deadly force in this case, though legally justified, was not the only possible way to protect the police and the public from his dangerous behavior.

Our state and country should pursue new policing policies that keep officers and the general public safe while reducing the number of individuals killed by police shootings. The Police Executive Research Forum ("PERF") is a national independent research organization that examines critical issues in policing, and helps to develop and promote police best practices. Its members include police officers and officials from throughout the United States. This year, PERF released a report entitled "Guiding Principles on Use of Force" in policing, which was cited in the U.S. Department of Justice's August 2016 "Recommendations on Advancing Community Policing in the Pasco Police Department."

The PERF report details the difficult issues faced by police when deciding whether to use deadly force against persons they encounter. It suggests that there are techniques that can substantially decrease the number of instances in which officers find it necessary to use deadly force against persons armed with non-firearm weapons (such as knives, rocks, or bats). These include: employing proven methods to de-escalate confrontations with agitated individuals; the use by officers of physical distance and tactical cover to protect themselves from dangerous persons

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while giving de-escalation methods time to work; and deliberately lengthening the time officers spend containing agitated individuals while attempting to talk them into surrender.

Obviously, these techniques are not guaranteed to work in all scenarios. Adopting new practices throughout law enforcement will take substantial investments in resources, training, and time. But these are investments worth making. My office will continue to support efforts to make policing safer both for the people of our state and for the men and women in law enforcement who protect us every day.

Finally, we need to continue increasing the resources available for the treatment of drug addiction and mental health issues. It is better, and more cost-effective in the long run, for us to put resources toward prevention and treatment than it is to deal with the crises and crimes that can result when these problems are left unaddressed.

I look forward to working with you, and people throughout our state, to develop and implement innovative solutions that will help make all our lives better.

Sincerely,



BOB FERGUSON  
Attorney General

RWF/jlg

Enclosure