

I-940 Independent Investigation Inquiry Report



**Office of the Washington State
Attorney General**
Bob Ferguson
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INTRODUCTION

Background

In 2017, De-Escalate Washington, a coalition of families, law enforcement leaders, behavioral health and disability rights advocates, tribes, LGBTQ groups, racial justice organizations, and community and civil rights organizations and leaders filed over 300,000 signatures, sending [Initiative 940](#) to the Washington State Legislature for approval. Initiative 940 updated the use of force statute, including making recommendations to reduce the number of violent interactions between law enforcement and members of the public. One of Initiative 940's provisions required that investigations into police use of deadly force be carried out by an agency completely independent of the agency employing the involved officer(s). The initiative tasked the Washington State Criminal Justice Training Commission (CJTC) with creating and adopting rules for these independent investigations.

In 2018, the Legislature adopted Initiative 940 after amending the initiative with [House Bill 3003](#). A citizen filed a lawsuit arguing that the Legislature erred by altering Initiative 940 through the passage of HB 3003 without giving the voters an opportunity to consider the changes. In August 2018, the state Supreme Court declared House Bill 3003 unenforceable, and sent Initiative 940 to the ballot. Initiative 940 received overwhelming support from the people of Washington, passing with 59.6% of the vote.

During the 2019 Legislative Session, the Legislature amended Initiative 940 with [HB 1064](#), but retained the requirement that the CJTC adopt rules regarding independent investigations into law enforcement use of deadly force.¹

The CJTC convened a stakeholder workgroup consisting of community and law enforcement representatives to work on the rules. The CJTC took public comment on the proposed rules in November 2019 and adopted rules pertaining to independent investigations in December 2019. The rules went into effect January 6, 2020, and are codified in WAC 139-12-030.

Rules for Independent Investigations

[WAC 139-12-020](#) and [WAC 139-12-030](#) carry the force of law. These rules instruct independent investigative teams (IITs) on how to conduct independent investigations into use of deadly force by law enforcement personnel. Incidents in which law enforcement use force that is likely to cause death or serious physical injury trigger the rule's requirements for independent investigations.

WAC 139-12-030 is broken into four categories, and establishes necessary standards for the involved agency and the public to ensure investigations into police use of deadly force are independent, transparent, credible, and communicated in a manner that enhances the public's perception of police legitimacy and fairness.

Appendix 3 provides a summary of the requirements for independent investigations that WAC 139-12-030 established.

Manuel Ellis

On March 3, 2020, Manuel Ellis died during an arrest by the Tacoma Police Department. The Pierce County Sheriff's Office was designated as the IIT to lead the investigation into Ellis' death. Months into the investigation, the Sheriff's Office revealed to the Pierce County Prosecuting Attorney that at least one Pierce County Sheriff's deputy was involved in restraining Manuel Ellis, making the Pierce County Sheriff's Office an involved agency, and thereby violating Initiative 940 and WAC 139-12-030. The Office of the Attorney General subsequently found that the Pierce County Sheriff's Office violated additional requirements of WAC 139-12-030. For example, the Pierce County Sheriff's Office acknowledged it failed to appoint non-law enforcement community representatives or a family liaison, as required by WAC 139-12-030. These violations led to Governor Inslee directing the Washington State Patrol (Patrol) to lead the investigation.²

1 In WAC 139-12-020 "deadly force" is defined as the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

2 A Patrol trooper was also present at the scene of Manuel Ellis' arrest. Unlike the Pierce County Sheriff's Deputy, the trooper did not participate in Ellis' detention. Consequently, the Patrol is not an involved agency under the definitions in WAC 139-12-020. Pursuant to WAC 139-12-030, the Patrol screened the trooper from involvement in the investigation at the time it assumed jurisdiction over the investigation.

After the failure of the Pierce County Sheriff's Office to adhere to the independent investigation criteria, the public had questions about whether other law enforcement agencies were following WAC 139-12-030. On June 23, 2020, the Attorney General independently launched a statewide inquiry.

Inquiry

The goal of the Attorney General's inquiry is to determine whether investigations into police use of deadly force have substantially complied with Washington's independent investigation criteria since those requirements took effect on January 6, 2020. This report does not analyze investigations beyond their compliance with WAC 139-12-030, including whether additional witnesses should have been interviewed or additional evidence collected.

The Office of the Attorney General conducted a media search, and initially identified 30 incidents of use of deadly force from January 6, 2020 to June 30, 2020. Because Washington does not have a centralized database for law enforcement use of deadly force incidents, the Office could not definitively determine whether the list is exhaustive. Eight of the 30 incidents were deemed out of scope of the Attorney General's review. Five of these eight incidents did not rise to the level of force needed to trigger WAC 139-12-030. Three were out of scope because they occurred in an area under a federal consent decree.³

The Office of the Attorney General made contact with the IITs charged with investigating the remaining 22 incidents in question to assess whether each investigation was in compliance.

Methodology

Research Question: Was an independent investigation that substantially complied with the major components of WAC 139-12-030 conducted?

- Substantial compliance, for the purpose of this inquiry, means in accordance with the letter of the law.
- The major components of WAC 139-12-030 include provisions regarding:
 - Independence (e.g., establishing crime scene protocols);
 - Transparency (e.g., involving a minimum of two non-law enforcement community representatives);
 - Communication (e.g., assigning a family liaison); and
 - Credibility (e.g., maintaining firewalls between the IIT and the involved agency and reviewing conflict assessments).

Substantial compliance, for the purpose of this inquiry, means compliance with the independent investigation rules. This includes involving at least two non-law enforcement community representatives in the investigation, as required by the rules. The Attorney General's Office reads the rules as requiring IITs to assign at least two community representatives from a roster created by the chiefs and sheriffs of each regional team to participate in every investigation. The rules do not expressly provide an IIT authority to exclude community representatives assigned to an IIT on their roster from an investigation. It remains unclear whether an investigation is compliant with the rules if the IIT conducting the investigation has at least two community representatives on its roster, but only one community representative is willing or able to participate in the investigation — in other words, if the decision to include fewer than two community representatives in the investigation comes from the community representatives themselves, and not law enforcement. The Attorney General's Office recommends that CJTC clarify the rules to improve compliance. (See Appendix 2.)

³ A law enforcement agency is exempted from the investigatory requirements established in [RCW 10.114.011](#) if operating under federal consent decree, because a federal consent decree supersedes state law.

Type of Data Collected

The data was largely collected by survey, but required some follow up interviews. All follow up interviews were conducted by telephone. The intent of the project was to collect information from the parties involved in an unbiased manner.

Fourteen⁴ IITs responsible for the 22 investigations were surveyed:

1. Central Basin Investigative Team (two investigations)
2. Cooperative Cities Crime Response Unit
3. Kitsap Critical Incident Response Team
4. North Central Washington Special Investigations Unit (two investigations)
5. Pierce County Sheriff's Office
6. Special Investigations Unit (two investigations)
7. Spokane Independent Investigative Response Team
8. Southwest Washington Independent Investigative Response Team (two investigations)
9. Region III Critical Incident Investigation (three investigations)
10. Tacoma Police Department (two investigations)
11. Valley Independent Investigative Team (two investigations)
12. Washington State Patrol
13. Whatcom County Law Enforcement Mutual Aid Response Team (Whatcom)
14. Yakima County Special Investigations Unit

In addition, to the extent that any of the above IITs identified non-law enforcement community representatives for an investigation, those individuals were surveyed separately.

Rationale for Approach

Law enforcement agencies across the state are unique and varied in their communications approach, as well as how they collect and disseminate information. In the absence of a standardized format and a single point of contact for all IIT data, the survey approach was intended to give each IIT and identified non-law enforcement community representative the opportunity to respond to the same question as it pertains to their process.

⁴ The Office of the Attorney General has identified use of force incidents for two other independent investigation teams, the King County Sheriff's Office and the Force Investigations Team. Those incidents were not included in the final report due to the Seattle Police Department's federal consent decree.

SURVEY FINDINGS

In total, the Office of the Attorney General collected 28 surveys on 18 investigations.

- Twelve IITs completed 18 surveys covering 18 investigations.
- Ten community representatives completed 10 surveys covering nine investigations.
- One IIT that investigated three in-scope deadly force incidents refused to complete surveys.⁵ Additionally, the Pierce County Sheriff's Office refused to complete a survey regarding the investigation into Manuel Ellis' death.⁶

The Office of the Attorney General Found that five of the 18 Investigations Surveyed were in Full Compliance with WAC 139-12-030.

These findings represent a snapshot of the first six months after the new rules became effective.

Government agencies can experience challenges with initial implementation of new rules. Several IITs reported that COVID-19 contributed to challenges complying with the full set of independent investigation criteria. Others expressed confusion regarding some of the rules' requirements driven by the short time between their adoption and the effective date, vague language in select areas, and limited implementation guidance.

IITs and Community Representatives Reported that Investigations were Independent of the Involved Agency.

- The involved agency did **not** participate in any of the 18 investigations.
- Regarding information-sharing, one community representative and IIT reported that the involved agency was present for the officer statement process. The rule prohibits IITs from sharing information with the involved agency except in limited briefings about the progress of the investigation so the involved agency can manage its internal administrative investigation. It is unclear whether an involved agency's Internal Affairs (IA) investigator sitting in on the interview constitutes information-sharing. Clarification is needed from CJTC.
- In all 18 investigations, IITs put firewalls in place to prevent information sharing.
- In 17 investigations, the involved agency relinquished control of the scene after securing the scene and preserving the evidence. The investigation into the death of Manuel Ellis was not turned over to the Patrol until many months after the initial incident. At that point, there was no scene for the involved agency to turn over to the Patrol.

Seven of the 18 Investigations Included the Required Minimum of Two Community Representatives.

- A least 12 of the 18 investigations included one or more community representatives. Seven investigations included the required minimum of two community representatives.⁷

Some IITs Involved Community Representatives in the Investigations.

IITs must allow non-law enforcement community representatives to participate in investigations by:

1. Signing a binding confidentiality agreement at the beginning of each investigation, which remains in effect until the prosecutor of the jurisdiction either declines to file charges or the criminal case has concluded;
2. Reviewing conflict of interest statements by the investigators during each incident;
3. Reviewing notification of the use of specialized equipment belonging to the involved agency;
4. Attending briefings with the involved agency's Chief or Sheriff;
5. Being provided a copy of all press releases/communication to media prior to release;
6. Having access to the investigation file upon the completion of the investigation; and
7. Participating directly in the vetting, interviewing, and/or selection of IIT investigators. *This duty only applies to IITs created since the WAC went into effect. Existing teams had until January 2021 to provide necessary information about the qualifications of current IIT investigators to the community representatives for review.*

⁵ The Region III Critical Incident Investigation Team refused to fill out the survey, but offered the investigative files to the Office of the Attorney General. However, the Office would not have been able to accurately complete the survey with the investigative file alone.

⁶ The Pierce County Sheriff's Office was the IIT originally assigned to investigate the death of Manuel Ellis, but the investigation was later assigned to the Patrol.

⁷ IITs reported that five investigations that did not involve at least two community representatives included a single community representative. Additional investigations may have included a single community representative. The survey asked if the IITs included at least two community representatives. It did not specifically ask if the investigation included one.

Community Representative Involvement

1. Confidentiality Agreement

- Six out of 12 IITs reported having community representatives sign confidentiality agreements before assisting with the investigations.
- Nine out of 10 community representatives reported that they were required to sign confidentiality agreements.

2. Conflict of Interest Assessments

- Eight of the 12 IITs reported that they gave community representatives the opportunity to review the conflict of interest statements completed by IIT members.

3. Review of Use of Involved Agency Equipment

- Three out of 10 community representatives stated that they were appropriately notified about the use of equipment belonging to the involved agency during the investigation. Six of the 10 community representatives reported that this question was not applicable to their investigation. The remaining community representative did not respond to the question.
- One IIT reported that it did not give community representatives the opportunity to review equipment belonging to the involved agency in the surveyed investigation.
- Meanwhile, the remaining IITs did not answer this question, or stated that it was not applicable to their investigation(s).

4. Briefings with the Involved Agency

- Eight of the 12 IITs reported that they conducted briefings with the involved agency.
- Six of those eight IITs involved their community representatives when conducting briefings with the involved agency.

5. Press Releases

- Six of the 12 IITs notified community representatives and the family before issuing all press releases.

6. Investigative File

- Five of the nine community representatives who answered this question stated that they were given access to the investigation file once the investigation was complete.
- Three community representatives reported that their case was still open at the time of the survey.
- One community representative reported that they were not given access to the investigation file upon completion of the investigation, but would be given access at a later time.

7. Selecting IIT Members

- One of the 12 IITs, the Patrol's IIT, reported that the community representatives participated in the vetting of IIT members.
- Five of the remaining 11 IITs did not answer whether their IIT was formed after the WAC went into effect, so the Office of the Attorney General cannot report whether or not they were compliant with this requirement.

Most IITs Complied with the Family Liaison Requirement

WAC 139-12-030 requires IITs to assign family liaisons in all independent investigations.

- Eleven of the 12 IITs assigned a family liaison as required.

IITs Complied with the Tribal Liaison Requirement When Appropriate

If the person against whom force was used was a member of a tribe, WAC 139-12-030 requires a tribal liaison to be assigned to keep the tribe or the tribe's chosen representative apprised of all significant developments of the investigation.

- One investigation warranted assigning a tribal liaison, and a tribal liaison was assigned to assist with that investigation. All of the other use of force incidents were against individuals who were not members of a tribe.

Most IITs Made Information about their Policies, Procedures, and Members Available Upon Request

WAC 139-12-030 requires IIT policies, procedures, and names of IIT members to be made available to the public. The WAC does not specify how these policies, procedures, and names are to be made available.

Policies and Procedures

- Eleven of the 12 IITs either made their policies and procedures available on their website or upon request.
- One IIT reported that they did not make their policies and procedures available to the public.

Names of IIT Members

- Eleven of the 12 IITs either reported the names of IIT members on their website or upon request.
- One IIT reported that they did not make any of the names of IIT members available to the public.

IIT Compliance with Communication Requirements Varied

Weekly Updates

WAC 139-12-030 requires IITs to provide weekly updates to the public.

- IITs released weekly updates in 13 of the 18 investigations surveyed.

Media Interaction

WAC 139-12-030 prohibits IITs from sharing the criminal history of an individual against whom deadly force was used outside the context of a public records request.

- None of the IITs reported making the media aware of any criminal history associated with the individual against whom force was used.
- However, one community representative reported that their IIT made the media aware of an individual's felony warrant.⁸

⁸ North Central Washington Special Investigations Unit held a press conference where they stated they originally approached Ryan Bass due to an active felony warrant. The Office of the Attorney General is unclear whether this constitutes a violation of the WAC. Clarification is needed from CJTC.

TAKEAWAY

Overall, the Office of the Attorney General found that the 12 IITs that responded to the survey generally made good faith efforts to comply with the new requirements. Most instances of non-compliance stemmed from a genuine misunderstanding about the rules' requirements. It is not uncommon for government agencies to struggle with brand new regulations at the outset of implementation, particularly when the requirements are extensive and the agencies are provided a short window from adoption to implementation, as they were in this case. That said, the people of the state adopted these requirements, they are important, and it is incumbent on IITs to comply with the law.

Initiative 940 was designed to build trust between law enforcement and community. An essential aspect of that trust building is to include non-law enforcement community representatives who play an integral role in ensuring the independence and transparency of investigations. The Office of the Attorney General found that, in general, IITs must improve compliance with the provision that requires IITs to select at least two non-law enforcement community representatives to assist with each investigation. For example, IITs must allow non-law enforcement community representatives to review public statements in advance of their release and participate directly in vetting and interviewing IIT investigators. While the Office of the Attorney General found that more than half of the IITs surveyed failed to fulfill this requirement in the first six months following the implementation of the new regulations, several IITs subsequently reported improved processes to comply with the new regulations, including the provision regarding non-law enforcement community representatives. Moreover, community representatives who shared their experiences with the Office of the Attorney General reported that serving as a community representative was a positive experience, noting the transparency and professionalism of the IITs.

A letter from the Attorney General to Executive Director Sue Rahr of the Criminal Justice Training Commission is included as an addendum to this report. The letter, prompted by the findings of this report, recommends several actions the CJTC can take to strengthen the independent investigation criteria by improving clarity.

Finally, the Office of the Attorney General also recommends that the Legislature fund regular oversight by an independent agency, so that reports similar to this can be shared with the public to fulfill the demand, expressed through the initiative process, for independent, transparent investigations into the use of deadly force by law enforcement.

Appendix 1:

Survey Responses

Tiffany Eubanks - Yakima Valley Special Investigations Unit

Open or Closed Investigation?			Closed
Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No*	✗
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	No	✗
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Yes	✓
7	Are IIT policies and procedures available to the public?	No	✗
7a	Are the names of IIT members available?	No answer	
7b	Are the names of IIT supervisors available?	No answer	
7c	Are the names of IIT commanders available?	No answer	
7d	Are the names of community representatives available?	No answer	
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes**	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - verbally	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

* The IIT provided the name and contact details for one community representative in their written survey response and answered the subsequent questions based on the involvement of that individual.

** For the first press release, the community representative was not provided a copy and the family was given notice after the press release. For subsequent press releases, notice was provided to the community representative and family.

Sean Michael Howell - Kitsap Critical Incident Response Team

Open or Closed Investigation?

Open

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	Yes	✓
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No*	
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Writing	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

*Notice was not provided to Howell's family for most of the press releases at their request.

Juan and Miguel Montalvo - Special Investigations Unit

Open or Closed Investigation?

Open

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	Yes	✓
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Website	✓
7a	Are the names of IIT members available?	Yes - Website	✓
7b	Are the names of IIT supervisors available?	Yes - Website	✓
7c	Are the names of IIT commanders available?	Yes - Website	✓
7d	Are the names of community representatives available?	Yes	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Writing	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

Said Joquin - Cooperative Crimes Unit

Open or Closed Investigation?

Open

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No*	✗
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	No	✗
5	Did the community representatives review any equipment belonging to the involved agency?	No	✗
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - verbally	✓
4	Were IIT members made to sign confidentiality agreements?	No	✗
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

* The IIT provided the name and contact details for one community representative in their written survey response and answered the subsequent questions based on the involvement of that individual.

Ryan Bass - North Central Washington Special Investigations Unit

Open or Closed Investigation?

Open

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	Yes	✓
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - verbally	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

Thomas M. Mathes III - North Central Washington Special Investigations Unit

Open or Closed Investigation?			Open
Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No*	✗
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	No	✗
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - verbally	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

* The IIT provided the name and contact details for one community representative in their written survey response and answered the subsequent questions based on the involvement of that individual.

William Abbe - Southwest Washington Independent Investigative Response Team

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No answer	
3	Did the IIT exist before January 6th?	No answer	
3a	If no, did community representatives participate in vetting and interviewing?	No answer	
4	Did the IIT have briefings with involved agency?	No answer	
4a	If yes, did the community representatives participate in briefings?	No answer	
5	Did the community representatives review any equipment belonging to the involved agency?	No answer	
6	Did community representatives have access to the investigation file?	No answer	
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	No	✗
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	No answer	
4	Were IIT members made to sign confidentiality agreements?	No	✗
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

Edwin Glessner -Southwest Washington Independent Investigative Response Team

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No answer	
3	Did the IIT exist before January 6th?	No answer	
3a	If no, did community representatives participate in vetting and interviewing?	No answer	
4	Did the IIT have briefings with involved agency?	No answer	
4a	If yes, did the community representatives participate in briefings?	No answer	
5	Did the community representatives review any equipment belonging to the involved agency?	No answer	
6	Did community representatives have access to the investigation file?	No answer	
7	Are IIT policies and procedures available to the public?	No answer	
7a	Are the names of IIT members available?	Yes - Website	✓
7b	Are the names of IIT supervisors available?	Yes - Website	✓
7c	Are the names of IIT commanders available?	Yes - Website	✓
7d	Are the names of community representatives available?	Yes - Website	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Writing	✓
4	Were IIT members made to sign confidentiality agreements?	No Answer	
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

Manuel Ellis - Patrol

Open or Closed Investigation?

Open

Independence		Question	Response	In Compliance?
1		Did the involved agency participate in investigation?	No	✓
2		Did the involved agency relinquish control of scene?	N/A*	
3		Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency		Question	Response	In Compliance?
1		Did the IIT include at least 2 community representatives?	Yes	✓
2		Did the community representatives review the conflict of interest statements?	Yes	✓
3		Did the IIT exist before January 6th?	No	N/A
3a		If no, did community representatives participate in vetting and interviewing?	Yes	✓
4		Did the IIT have briefings with involved agency?	N/A	
4a		If yes, did the community representatives participate in briefings?	Yes	✓
5		Did the community representatives review any equipment belonging to the involved agency?	N/A	
6		Did community representatives have access to the investigation file?	Case Ongoing	
7		Are IIT policies and procedures available to the public?	Yes - Website	✓
7a		Are the names of IIT members available?	Yes - Upon Request	✓
7b		Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c		Are the names of IIT commanders available?	Yes - Upon Request	✓
7d		Are the names of community representatives available?	Yes - Upon Request	✓
8		Did the IIT provide weekly updates to the public?	Yes	✓
Communication		Question	Response	In Compliance?
1		Was the family notified?	N/A**	
2		Was a family liaison assigned?	Yes	✓
3		Was a tribal liaison assigned?	N/A	
4		Were press releases issued with prior notice given to community representatives and family?	Yes	✓
5		Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility		Question	Response	In Compliance?
1		Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2		Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3		Were the community representatives made aware of their responsibilities?	Yes - Writing & Verbally	✓
4		Were IIT members made to sign confidentiality agreements?	Yes	✓
4a		Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5		Did the IIT enforce firewalls?	Yes	✓

*The Governor requested that the Patrol take over investigation from an involved agency. **Family was notified by original IIT

Gordon Whitaker - Special Investigations Unit

Open or Closed Investigation?

Open

Independence		Question	Response	In Compliance?
1		Did the involved agency participate in investigation?	No	✓
2		Did the involved agency relinquish control of scene?	Yes	✓
3		Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency		Question	Response	In Compliance?
1		Did the IIT include at least 2 community representatives?	Yes	✓
2		Did the community representatives review the conflict of interest statements?	Yes	✓
3		Did the IIT exist before January 6th?	Yes	N/A
3a		If no, did community representatives participate in vetting and interviewing?	N/A	
4		Did the IIT have briefings with involved agency?	Yes	✓
4a		If yes, did the community representatives participate in briefings?	Yes	✓
5		Did the community representatives review any equipment belonging to the involved agency?	N/A	
6		Did community representatives have access to the investigation file?	Yes	✓
7		Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a		Are the names of IIT members available?	Yes - Upon Request	✓
7b		Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c		Are the names of IIT commanders available?	Yes - Upon Request	✓
7d		Are the names of community representatives available?	Yes - Upon Request	✓
8		Did the IIT provide weekly updates to the public?	Yes	✓
Communication		Question	Response	In Compliance?
1		Was the family notified?	Yes (by IIT)	✓
2		Was a family liaison assigned?	Yes	✓
3		Was a tribal liaison assigned?	N/A	
4		Were press releases issued with prior notice given to community representatives and family?	No*	✗
5		Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility		Question	Response	In Compliance?
1		Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2		Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3		Were the community representatives made aware of their responsibilities?	Yes - Writing	✓
4		Were IIT members made to sign confidentiality agreements?	Yes	✓
4a		Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5		Did the IIT enforce firewalls?	Yes	✓

*The IIT notified the family of all press releases, but not the community representatives.

Unidentified Individual (April 19th) - Whatcom County Law Enforcement Mutual Aid Response Team

Open or Closed Investigation?

Open

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓

Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No Answer	
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	No Answer	
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Case Ongoing	N/A
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	No	✗

Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by Involved Agency)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	Yes	✓
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓

Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	No Answer	
4	Were IIT members made to sign confidentiality agreements?	No Answer	
4a	Does the confidentiality agreement end at conclusion of investigation?	No	✗
5	Did the IIT enforce firewalls?	Yes	✓

Jose Rivera - Central Basin Investigative Team

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No*	✗
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Yes	✓
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by Involved Agency)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes**	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Writing & Verbally	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	No	✗
5	Did the IIT enforce firewalls?	Yes	✓

*The IIT provided the name and contact details for one community representative in their written survey response and answered the subsequent questions based on the involvement of that individual.

**The IIT did not provide the first press release to family and community representatives, but provided subsequent releases.

Shawn Lee - Central Basin Investigative Team

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	Yes	✓
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Yes	✓
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Incomplete*	
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Writing	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

* Information provided by IIT was incomplete, and the Office of the Attorney General is unable to determine full compliance.

River Hudson - Valley Independent Investigative Team

Open or Closed Investigation?

Open

Independence		Question	Response	In Compliance?
1		Did the involved agency participate in investigation?	No	✓
2		Did the involved agency relinquish control of scene?	Yes	✓
3		Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency		Question	Response	In Compliance?
1		Did the IIT include at least 2 community representatives?	No*	✗
2		Did the community representatives review the conflict of interest statements?	Yes	✓
3		Did the IIT exist before January 6th?	Yes	N/A
3a		If no, did community representatives participate in vetting and interviewing?	N/A	
4		Did the IIT have briefings with involved agency?	Yes	✓
4a		If yes, did the community representatives participate in briefings?	Yes	✓
5		Did the community representatives review any equipment belonging to the involved agency?	N/A	
6		Did community representatives have access to the investigation file?	Case Ongoing	N/A
7		Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a		Are the names of IIT members available?	Yes - Upon Request	✓
7b		Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c		Are the names of IIT commanders available?	Yes - Upon Request	✓
7d		Are the names of community representatives available?	Yes - Upon Request	✓
8		Did the IIT provide weekly updates to the public?	Yes	✓
Communication		Question	Response	In Compliance?
1		Was the family notified?	Yes (by IIT)	✓
2		Was a family liaison assigned?	Yes	✓
3		Was a tribal liaison assigned?	N/A	
4		Were press releases issued with prior notice given to community representatives and family?	No**	✗
5		Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility		Question	Response	In Compliance?
1		Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2		Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3		Were the community representatives made aware of their responsibilities?	Yes - Writing & Verbally	✓
4		Were IIT members made to sign confidentiality agreements?	No Answer	
4a		Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5		Did the IIT enforce firewalls?	Yes	✓

* IIT had 2 community representatives on the roster, but selected 1 to assist with investigation due to a genuine misunderstanding of the WAC's requirements.

** For the first 3 out of 11 press releases, the family was not notified because accurate contact information was not provided to the IIT.

Unidentified Individual (January 22nd) - Valley Independent Investigative Team

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	Yes	✓
2	Did the community representatives review the conflict of interest statements?	Yes	✓
3	Did the IIT exist before January 6th?	Yes	N/A
3a	If no, did community representatives participate in vetting and interviewing?	N/A	
4	Did the IIT have briefings with involved agency?	Yes	✓
4a	If yes, did the community representatives participate in briefings?	Yes	✓
5	Did the community representatives review any equipment belonging to the involved agency?	N/A	
6	Did community representatives have access to the investigation file?	Yes	✓
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	Yes - Upon Request	✓
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	Yes	✓
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	Yes	✓
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Verbally & in Writing	✓
4	Were IIT members made to sign confidentiality agreements?	Yes	✓
4a	Does the confidentiality agreement end at conclusion of investigation?	Yes	✓
5	Did the IIT enforce firewalls?	Yes	✓

Unidentified Individual (March 4th) - Tacoma Police Department

Open or Closed Investigation?

Closed

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓

Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No Answer	
3	Did the IIT exist before January 6th?	No Answer	
3a	If no, did community representatives participate in vetting and interviewing?	No Answer	
4	Did the IIT have briefings with involved agency?	No Answer	
4a	If yes, did the community representatives participate in briefings?	No Answer	
5	Did the community representatives review any equipment belonging to the involved agency?	No Answer	
6	Did community representatives have access to the investigation file?	No Answer	
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	No	✗
7b	Are the names of IIT supervisors available?	No	✗
7c	Are the names of IIT commanders available?	No	✗
7d	Are the names of community representatives available?	No	✗
8	Did the IIT provide weekly updates to the public?	No	✗

Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by Involved Agency)	✓
2	Was a family liaison assigned?	No	✗
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓

Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	No	✗
4	Were IIT members made to sign confidentiality agreements?	No	✗
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

Brandon Mark Stokes - Tacoma Police Department

Open or Closed Investigation?

No Answer

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No Answer	
3	Did the IIT exist before January 6th?	No Answer	
3a	If no, did community representatives participate in vetting and interviewing?	No Answer	
4	Did the IIT have briefings with involved agency?	No Answer	
4a	If yes, did the community representatives participate in briefings?	No Answer	
5	Did the community representatives review any equipment belonging to the involved agency?	No Answer	
6	Did community representatives have access to the investigation file?	No Answer	
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	No	✗
7b	Are the names of IIT supervisors available?	No	✗
7c	Are the names of IIT commanders available?	No	✗
7d	Are the names of community representatives available?	No	✗
8	Did the IIT provide weekly updates to the public?	No	✗
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT & Involved Agency)	✓
2	Was a family liaison assigned?	No	✗
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	No	✗
4	Were IIT members made to sign confidentiality agreements?	No	✗
4a	Does the confidentiality agreement end at conclusion of investigation?	No Answer	
5	Did the IIT enforce firewalls?	Yes	✓

Clando Anitok - Spokane Independent Investigative Response Team

Open or Closed Investigation?			Closed
Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?	No	✓
2	Did the involved agency relinquish control of scene?	Yes	✓
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?	No	✓
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?	No	✗
2	Did the community representatives review the conflict of interest statements?	No answer	
3	Did the IIT exist before January 6th?	No answer	
3a	If no, did community representatives participate in vetting and interviewing?	No answer	
4	Did the IIT have briefings with involved agency?	No answer	
4a	If yes, did the community representatives participate in briefings?	No answer	
5	Did the community representatives review any equipment belonging to the involved agency?	No answer	
6	Did community representatives have access to the investigation file?	No answer	
7	Are IIT policies and procedures available to the public?	Yes - Upon Request	✓
7a	Are the names of IIT members available?	Yes - Upon Request	✓
7b	Are the names of IIT supervisors available?	Yes - Upon Request	✓
7c	Are the names of IIT commanders available?	Yes - Upon Request	✓
7d	Are the names of community representatives available?	No answer	
8	Did the IIT provide weekly updates to the public?	Yes	✓
Communication	Question	Response	In Compliance?
1	Was the family notified?	Yes (by IIT)	✓
2	Was a family liaison assigned?	Yes	✓
3	Was a tribal liaison assigned?	N/A	
4	Were press releases issued with prior notice given to community representatives and family?	No	✗
5	Did the IIT make the media aware of the individual's criminal background?	No	✓
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?	No	✗
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?	No	✓
3	Were the community representatives made aware of their responsibilities?	Yes - Verbally	✓
4	Were IIT members made to sign confidentiality agreements?	No answer	
4a	Does the confidentiality agreement end at conclusion of investigation?	No answer	
5	Did the IIT enforce firewalls?	Yes	✓

Sok Chin Son - Region III Critical Incident Investigation

Open or Closed Investigation?

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?		
2	Did the involved agency relinquish control of scene?		
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?		
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?		
2	Did the community representatives review the conflict of interest statements?		
3	Did the IIT exist before January 6th?		
3a	If no, did community representatives participate in vetting and interviewing?		
4	Did the IIT have briefings with involved agency?		
4a	If yes, did the community representatives participate in briefings?		
5	Did the community representatives review any equipment belonging to the involved agency?		
6	Did community representatives have access to the investigation file?		
7	Are IIT policies and procedures available to the public?		
7a	Are the names of IIT members available?		
7b	Are the names of IIT supervisors available?		
7c	Are the names of IIT commanders available?		
7d	Are the names of community representatives available?		
8	Did the IIT provide weekly updates to the public?		
Communication	Question	Response	In Compliance?
1	Was the family notified?		
2	Was a family liaison assigned?		
3	Was a tribal liaison assigned?		
4	Were press releases issued with prior notice given to community representatives and family?		
5	Did the IIT make the media aware of the individual's criminal background?		
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?		
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?		
3	Were the community representatives made aware of their responsibilities?		
4	Were IIT members made to sign confidentiality agreements?		
4a	Does the confidentiality agreement end at conclusion of investigation?		
5	Did the IIT enforce firewalls?		

Kathryn Hale - Region III Critical Incident Investigation

Open or Closed Investigation?

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?		
2	Did the involved agency relinquish control of scene?		
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?		
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?		
2	Did the community representatives review the conflict of interest statements?		
3	Did the IIT exist before January 6th?		
3a	If no, did community representatives participate in vetting and interviewing?		
4	Did the IIT have briefings with involved agency?		
4a	If yes, did the community representatives participate in briefings?		
5	Did the community representatives review any equipment belonging to the involved agency?		
6	Did community representatives have access to the investigation file?		
7	Are IIT policies and procedures available to the public?		
7a	Are the names of IIT members available?		
7b	Are the names of IIT supervisors available?		
7c	Are the names of IIT commanders available?		
7d	Are the names of community representatives available?		
8	Did the IIT provide weekly updates to the public?		
Communication	Question	Response	In Compliance?
1	Was the family notified?		
2	Was a family liaison assigned?		
3	Was a tribal liaison assigned?		
4	Were press releases issued with prior notice given to community representatives and family?		
5	Did the IIT make the media aware of the individual's criminal background?		
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?		
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?		
3	Were the community representatives made aware of their responsibilities?		
4	Were IIT members made to sign confidentiality agreements?		
4a	Does the confidentiality agreement end at conclusion of investigation?		
5	Did the IIT enforce firewalls?		

Unidentified Individual (March 26th) - Region III Critical Incident Investigation

Open or Closed Investigation?

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?		
2	Did the involved agency relinquish control of scene?		
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?		
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?		
2	Did the community representatives review the conflict of interest statements?		
3	Did the IIT exist before January 6th?		
3a	If no, did community representatives participate in vetting and interviewing?		
4	Did the IIT have briefings with involved agency?		
4a	If yes, did the community representatives participate in briefings?		
5	Did the community representatives review any equipment belonging to the involved agency?		
6	Did community representatives have access to the investigation file?		
7	Are IIT policies and procedures available to the public?		
7a	Are the names of IIT members available?		
7b	Are the names of IIT supervisors available?		
7c	Are the names of IIT commanders available?		
7d	Are the names of community representatives available?		
8	Did the IIT provide weekly updates to the public?		
Communication	Question	Response	In Compliance?
1	Was the family notified?		
2	Was a family liaison assigned?		
3	Was a tribal liaison assigned?		
4	Were press releases issued with prior notice given to community representatives and family?		
5	Did the IIT make the media aware of the individual's criminal background?		
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?		
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?		
3	Were the community representatives made aware of their responsibilities?		
4	Were IIT members made to sign confidentiality agreements?		
4a	Does the confidentiality agreement end at conclusion of investigation?		
5	Did the IIT enforce firewalls?		

Manuel Ellis - Pierce County Sheriff's Office

Open or Closed Investigation?

Independence	Question	Response	In Compliance?
1	Did the involved agency participate in investigation?		
2	Did the involved agency relinquish control of scene?		
3	Was any information shared with the involved agency- excluding limited briefings and information necessary for internal investigations?		
Transparency	Question	Response	In Compliance?
1	Did the IIT include at least 2 community representatives?		
2	Did the community representatives review the conflict of interest statements?		
3	Did the IIT exist before January 6th?		
3a	If no, did community representatives participate in vetting and interviewing?		
4	Did the IIT have briefings with involved agency?		
4a	If yes, did the community representatives participate in briefings?		
5	Did the community representatives review any equipment belonging to the involved agency?		
6	Did community representatives have access to the investigation file?		
7	Are IIT policies and procedures available to the public?		
7a	Are the names of IIT members available?		
7b	Are the names of IIT supervisors available?		
7c	Are the names of IIT commanders available?		
7d	Are the names of community representatives available?		
8	Did the IIT provide weekly updates to the public?		
Communication	Question	Response	In Compliance?
1	Was the family notified?		
2	Was a family liaison assigned?		
3	Was a tribal liaison assigned?		
4	Were press releases issued with prior notice given to community representatives and family?		
5	Did the IIT make the media aware of the individual's criminal background?		
Credibility	Question	Response	In Compliance?
1	Were the conflict assessments reviewed by the commander and community representatives?		
2	Did anyone selected for the IIT have a history of misconduct, complaint, or bias?		
3	Were the community representatives made aware of their responsibilities?		
4	Were IIT members made to sign confidentiality agreements?		
4a	Does the confidentiality agreement end at conclusion of investigation?		
5	Did the IIT enforce firewalls?		

The Office of the Attorney General is grateful for all the law enforcement agencies and community representatives who participated in the inquiry, including:

- Washington State Criminal Justice Training Commission;
- Central Basin Investigative Team;
- Cooperative Cities Crime Response Unit;
- Kitsap Critical Incident Response Team;
- North Central Washington Special Investigations Unit;
- Special Investigations Unit;
- Spokane Independent Investigative Response Team;
- Southwest Washington Independent Investigative Response Team;
- Tacoma Police Department;
- Valley Independent Investigative Team;
- Washington State Patrol;
- Whatcom County Law Enforcement Mutual Aid Response Team;
- Yakima County Special Investigations Unit; and
- The 10 non-law enforcement community representatives who completed surveys.

Their participation has provided critical guidance for policymakers to confront policing reform in Washington State.

Appendix 2:

Letter from Attorney General to CJTC



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

December 21, 2020

Sue Rahr
Executive Director
Criminal Justice Training Commission
19010 1st Avenue South
Burien, WA 98148

Re: Statewide Inquiry on Investigations of Use of Deadly Force by Law Enforcement

Dear Executive Director Rahr:

Thank you for your work to establish independent investigation criteria and your leadership in convening the stakeholder workgroup to help draft those criteria. I appreciate working with you to improve public safety for all Washingtonians.

As you know, on June 23, 2020, my office launched a statewide inquiry into investigations of the use of deadly force by law enforcement from January 6, 2020 to June 30, 2020. My office identified 30 incidents that occurred during that time. Unfortunately, since there is no centralized database for use of force investigations, it is impossible to be certain that our list is exhaustive. The inquiry's goal is to determine whether these investigations are complying with the independent investigation criteria.

Our inquiry is now complete. We surveyed 12 Independent Investigative Teams (IITs) that handled 18 investigations, and ten community representatives selected to work with those IITs. Based on these surveys, we developed the following recommendations for the Washington State Criminal Justice Training Commission (CJTC) to strengthen these rules by improving clarity.

1. Clarification needed on the minimum number of non-law enforcement community representatives required per independent investigation.

WAC 139-12-030 states that, at minimum, two non-law enforcement community representatives should be assigned to an IIT. The Attorney General's Office reads this provision as a requirement for an IIT to have at minimum two non-law enforcement community representatives assigned to each investigation. Several IITs had two or more community representatives on their roster to be on call in case of an investigation, but only selected one community representative to assist the IIT when an investigation occurred. They reported confusion around the rule's requirement.

- **Recommendation:** CJTC should issue clarification that, at minimum, two community representatives are required to assist with an investigation.

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December 21, 2020
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2. Clarification needed on who can be present during officer statement process.

WAC 139-12-030 prohibits an IIT from sharing information with the involved agency except for limited briefings to relay information needed by the involved agency to manage the internal investigation and give updates on the investigation to the local community. One IIT reported allowing an officer from the involved agency to attend an interview in which an involved officer provided a statement to the IIT. The IIT explained that it allowed a representative from the involved agency to attend the interview in order to avoid requiring the involved officer to provide the same statement twice. It is unclear if this would constitute a violation of the WAC.

- **Recommendation:** CJTC should issue clarification regarding the type of information that can be shared with the involved agency, and what avenues the IIT can use to share that information. Specifically, the CJTC should issue guidance regarding whether representatives of an involved agency can attend interviews with involved officers.

3. Clarification needed on what information can be shared about an individual's criminal background.

WAC 139-12-030 prohibits both the involved agency and IIT from providing the media with criminal background information on the person against whom deadly force was used, unless the information is specifically requested and the information is required by the Public Records Act. One IIT reported confusion regarding this prohibition. One IIT released information regarding a felony warrant on the individual against whom force was used because the felony warrant was the reason for law enforcement's contact with the individual. It is unclear if this constitutes a violation of the WAC.

- **Recommendation:** To avoid confusion, CJTC should issue clarification on what constitutes criminal background information.

4. Clarification needed regarding conflict assessments.

WAC 139-12-030 requires non-law enforcement community representatives to review conflict of interest statements submitted by members of the IIT. CJTC has shared a sample conflict of interest form, but no guidance has been given regarding what constitutes a sufficient conflict assessment, or a review of a conflict assessment. Several of the IITs reported that IIT members provided verbal assurance to the IIT leadership that they had no conflicts that would prevent them from assisting with the independent investigation. Afterwards, the IIT leadership relayed that verbal assurance to the non-law enforcement community representatives.

- **Recommendation:** To improve the transparency and credibility of investigations, CJTC should issue guidance regarding whether a conflict assessment needs to be in writing.

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5. Additional guidance needed on non-law enforcement community selection process.

Feedback from several community representatives made clear there was not a consistent process for selecting these important positions. A more consistent framework for selecting non-law enforcement community members would be helpful in ensuring individuals with ties to the community were selected for the position.

- **Recommendation:** CJTC should issue guidance to establish a consistent process for selecting non-law enforcement community representatives.

6. Best practices needed for onboarding community representatives.

The IITs surveyed vary in how they informed community representatives of their duties. WAC 139-12-030 does not give instruction on how to train community representatives. Consequently, IITs informed community representatives of their duties in a variety of ways. For example, seven IITs reported that they provided information verbally, five IITs provided the information in writing, and two IITs provided the information verbally and in writing. All ten community representatives reported that they were made aware of their responsibilities. Several, however, expressed a desire for more formal training to help them better understand their roles and responsibilities.

- **Recommendation:** CJTC should develop best practices for onboarding community representatives.

7. Best practices needed on how to have non-law enforcement community representatives review investigative files.

WAC 139-12-030 requires the IIT to provide the non-law enforcement community representatives with access to the investigative file once an investigation is complete. The rule, however, does not define “access”. Several IITs have been reluctant to provide electronic or paper copies of the investigative file. They reported that they would prefer that the non-law enforcement community representatives review the investigative file in person, but this was complicated by public safety considerations related to the COVID-19 pandemic.

- **Recommendation:** CJTC should consider issuing best practices regarding non-law enforcement community representatives’ ability to access the investigative file without compromising it.

Appendix 2

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If you have questions regarding these recommendations, please feel free to contact Deputy Legislative Director Brittany Gregory at brittany.gregory@atg.wa.gov or (360) 764-3572, or Senior Assistant Attorney General John Hillman at john.hillman@atg.wa.gov or (206) 389-2026. You can also reach out to me directly. I am happy to provide additional information or schedule a meeting to discuss these recommendations and the information we learned from IITs and community representatives.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is written in a cursive style with a long horizontal flourish at the end.

BOB FERGUSON
Attorney General

RWF/jlg

Appendix 3:

Legal Requirements for Use-of-Deadly-Force Investigations

Legal Requirements for Use-of-Deadly-Force Investigations

Recent changes in Washington law, effective January 6, 2020, now impose detailed requirements for investigations into law enforcement use-of-deadly-force incidents. These requirements apply to all investigations except as required by a federal consent decree, settlement, or court order.

These investigations must be (1) independent of the agency involved in the use of force; (2) conducted in a transparent fashion, characterized by extensive communication with the public and family of the person against whom deadly force was used; and (3) credible and performed by qualified personnel.

Independent Investigative Team (IIT) – Construction of Team

- Can consist of personnel from multiple agencies or drawn solely from one agency.
- Must include at least two non-law enforcement community representatives “who have credibility with and ties to communities impacted by police use of deadly force.” WAC 139-12-030.
- Non-law enforcement community representatives must be involved in interviewing prospective team members and making recommendations to the team commander. They must be present at briefings with the involved agency(s) chief or sheriff, have access to the completed investigation file, and receive a copy of all press releases and communication to the media prior to release.

IIT – Standards for law enforcement team members

- Must be WA-commissioned peace officers with previous experience as a detective or investigator, or have special skills or experience.
- No work history of serious misconduct, pattern of sustained complaints, dishonorable behavior (e.g., harassment, bullying or aggressive or intimidating behavior), or any “personal history of bias or prejudice against community members that may be impacted by the police use of deadly force.” WAC 139-12-030.

IIT – Operation of the team

- Brought in as soon as an agency has knowledge of an incident involving the use of deadly force.
- Agency whose personnel were involved in use of deadly force cannot be involved in investigation except under very limited circumstances.
- Must appoint a family liaison within 24 hours of getting the case to contact and communicate any significant developments and notice in advance of any press releases to the family of person against whom deadly force used.
- Must appoint tribal liaison within 24 hours of getting case if person against whom deadly force used is believed to be tribal member. Must notify tribe of all significant case developments.
- All team members must complete within 72 hours of getting the case a conflict of interest assessment to ensure no connection with officers being investigated.
- Must make available to the public: (1) Names and identities of the team members; and (2) IIT’s policies and operating procedures.
- Neither the IIT nor the agency involved in the use of force may provide to the media the “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 law. WAC 139-12-030.
- Investigation must “follow accepted best practices for homicide investigations published and annually updated” by the Criminal Justice Training Commission. WAC 139-12-030.
- Provide every week a public update on the progress of the investigation, “even if there is no new progress to report.” WAC 139-12-030.
- Make information about the investigation available to the public in a manner consistent with state law when the investigation is complete.