

Use of Deadly Force Investigation Audits

2024 Year-End Report



Introduction

In the course of their duties, law enforcement officers sometimes use enough force on people to cause serious injury or death, which may be appropriate to protect other people or may be found to be criminally excessive. When police use deadly force, an independent investigation team reviews the incident. The investigation's results are given to the county prosecutor, who decides whether criminal charges against officers are warranted.

Use of deadly force investigation audits offer unique insight into Washington's system for reviewing police use of deadly force. The reports determine whether responding independent investigation teams complied with relevant state laws and rules intended to ensure their work is independent, transparent, credible and communicated to the public. They also make recommendations to improve compliance with them in the future.

This report explains the role of independent investigation teams and summarizes our work to date in this area, including common areas of noncompliance we found in our audits over the past year and our recommendations to address them.

A message from the auditor

This report highlights the continued growth and evolution of our Office's role in ensuring transparent, credible, and independent reviews of police use of deadly force. Since publishing our first audit of a deadly force investigation in 2022, we have steadily developed and trained a dedicated team of auditors for this specialized work. In 2024, we conducted 29 audits, more than doubling our total to 53 completed cases. However, significant work remains, as about 190 deadly force investigations have been conducted since 2020, all of which must be audited.



This report outlines key themes identified in our audits to date. A notable addition this year is our recommendation to standardize the role of community representatives. Currently, these volunteers are fully engaged in some investigations, while in others, their involvement is limited to an investigation's initial stages. Additionally, in 16 of the 29 cases we audited this year, the independent investigation teams failed to ensure that all investigators and community representatives completed required conflict of interest assessments. The most frequent compliance issue in 2024 was restricting case file access exclusively to investigators involved in the case—18 of the 29 cases reviewed did not meet this requirement.

We hope this report serves as a valuable resource for lawmakers, the Criminal Justice Training Commission, and the state's independent investigation teams as they work to ensure police use of deadly force is investigated in a manner that maintains public trust and confidence.

A handwritten signature in black ink, reading "Pat McClellan".

The key principles of Washington's use of deadly force investigations

Independence

The involved police agency cannot have undue influence or the appearance of undue influence on the investigation.

01



Transparency

Community members can assess whether the investigation is conducted in a trustworthy manner and complies with the standards defined in state laws and rules.

02



Communication

The independent investigation team must communicate the investigation's progress to the public and family of the person killed or harmed by police use of deadly force.

03



Credibility

Use of deadly force investigations follow best practices for criminal investigations, and investigators meet necessary training requirements and demonstrate ethical behavior and impartiality.

04



These principles are established in rules adopted by the [Washington State Criminal Justice Training Commission \(CJTC\)](#). The CJTC was tasked with writing those rules as part of Initiative 940, approved by voters in 2018. In response to the same initiative, law enforcement agencies across the state created regional independent investigation teams (IITs) to investigate use of deadly force incidents.

Independent investigation teams review police use of force

Initiative 940, in part, requires investigations of police use of deadly force to be conducted by an agency completely independent of the one with the involved officer(s). Its intent was to improve their impartiality and independence by preventing people who were more likely to have a personal relationship with the involved officers from investigating the use of force.



Law enforcement agencies established regional IITs to allow investigators to respond quickly to use of deadly force incidents while keeping the involved agency out of the investigation. Washington has 19 IITs throughout the state, which are made up of command staff, detectives, and other crime scene investigators from law enforcement agencies within the given region. An IIT also includes volunteers, called community representatives, who help give the community perspective during an investigation. They are required to participate in certain processes.

Many of these teams existed in some form before recent police reform and accountability laws, including Initiative 940, and allowed law enforcement agencies to pool resources for major investigations.



In separate reports, we are evaluating each IIT's compliance with requirements that can be fulfilled outside of any particular use of force investigation. This review includes specific team-related requirements, such as the IIT's processes for selecting and training investigators and other team members. Unlike most audits where we focus on past events, we are evaluating whether the IIT's current processes comply with state requirements. Our Office has published five of these reports in the past year, and we have another five in progress.

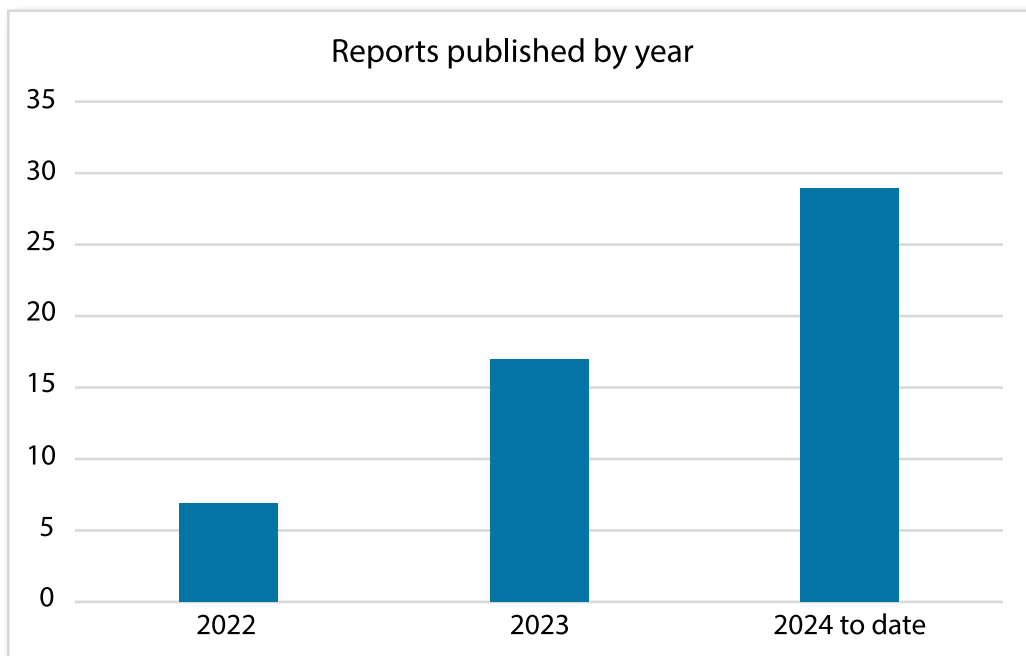
UDFI audits provide accountability and transparency

Our audits provide a clearer understanding of the work of regional IITs that respond to incidents of police use of deadly force. Our work begins after county prosecutors either decline to pursue charges, or the resulting criminal court case is fully resolved. The civilian-led state [Office of Independent Investigations \(OII\)](#) was created in 2021 to investigate police use of deadly force. It began conducting investigations in December 2024. When completed, the State Auditor's Office will audit OII investigations as well.

	A law enforcement officer uses deadly force, which results in death, substantial bodily harm or great bodily harm.	
	The use of force is investigated by an independent investigation team (IIT) made up of detectives and other crime scene investigators from law enforcement agencies in the region where the use of force incident occurred. Agencies involved in the deadly force incident cannot send detectives to be part of the independent investigation team.	
	The county prosecutor reviews the IIT's completed investigation.	
	The prosecutor decides whether or not to criminally charge the officer that used deadly force. These charging decisions can depend on completion of related reviews, such as a coroner's inquest.	
	If the prosecutor decides not to pursue criminal charges, SAO begins review of the IIT investigation.	Or the prosecutor may pursue criminal charges. SAO cannot begin audit work until the resulting court case, including appeals, is completed.
	<p>SAO works with law enforcement agencies and IIT's to compare the elements of the investigation as it was conducted to the criteria outlined in rules established by the Washington State Criminal Justice Training Commission.</p> <p>Those rules are designed to ensure investigations are:</p> <ul style="list-style-type: none"> • Independent • Credible • Transparent • Communicated to the public and affected people 	
	SAO issues a report that describes any rules the investigation did not follow and offers recommendations to improve compliance.	

The number of audits has doubled, but the most common areas of noncompliance remain consistent

We reviewed local news media reporting, law enforcement agency websites and national databases, and have identified around 190 police use of deadly force investigations in Washington since January 2020 that are likely to require audits. Not all the investigations have been completed, and some are still pending review by county prosecutors. As illustrated in the bar graph, we have completed 53 audits since we started this work in mid-2022. We published 29 of those reports this year. Twelve audits are in progress, and we requested several more case files from IITs.



Our audits have found that IITs and responding officers have regularly complied with the CJTC's rules and best practices. They have also identified some areas of noncompliance, where documentation in case files can be improved, or where CJTC rules need to be clarified. The most common areas of noncompliance are similar to those we identified in [last year's summary report](#). However, we highlight two new issues that require improvements or increased consistency. We also discuss additional guidance put forth by the CJTC to clarify its rules.

1

Consistency in the role of community representatives would improve transparency

Involving community representatives helps ensure transparency in independent investigations, and their participation is a key component of the WAC. However, the level of community representative involvement can vary greatly between IITs.

Community representatives are volunteers, not law enforcement agency employees. They provide the community's perspective by:

- Reviewing potential conflicts of interest between IIT investigators and involved officers
- Attending any briefings with the involved agency
- Having access to the completed investigation file
- Receiving a copy of all press releases before they are sent to the media
- Receiving notifications if the IIT uses any specialized resources belonging to the involved agency
- Helping choose applicants for IIT investigator positions

In almost all the audits we have conducted, we have been able to interview at least one of the community representatives assigned to the investigations. We found their involvement in the process sometimes differed greatly. For example, many knew that they could access the completed investigation file, but said they did not need to because they were updated throughout the investigation and attended final briefings with the prosecutor or involved agency, during which investigators presented the entire case file and what they found. However, other representatives said the IIT never notified them that they could review the case file, and some said they did not even know the outcome of the investigation.

The IIT is also required to send advance copies of public updates to the community representatives. Some IITs would send a copy of their press releases right before sending them to the media or publishing them. Other IIT commanders told us that they did not release updates until the community representatives reviewed them. Community representatives confirmed this during our interviews. For example, community representatives with one IIT said the commander would ask for feedback on each press release, as well as remind them through text messages or phone calls to review the release if he did not hear back from them.

Community representatives are also required to participate in panel interviews with IIT investigator applicants. However, most member agencies require all their detectives to be part of the IIT, so they do not have a separate process that would allow community representatives to participate in interviews for open investigator positions. The detectives know IIT membership is required, and commanders said that member agencies evaluate detective applicants for suitability of this duty. Despite not having a separate interview process, some IITs let community representatives review and vet investigators' resumes and training profiles, while others did not.

The WAC requires there to be standardized training for community representatives. CJTC staff said they have developed training for community representatives but are waiting to deliver it until it reflects upcoming WAC revisions. Standardized training for community representatives that explains the role and intent of their involvement could help increase statewide consistency of the position. The WAC could also be revised to clarify the intent of each requirement involving community representatives.



2

Conflict of interest assessments should be complete and timely

State rules require IIT members, including the investigators and community representatives, to complete “conflict of interest” assessments within 72 hours of starting an investigation. The assessments help determine if IIT members have any connections to the officers being investigated that would potentially impair their objectivity. Best practices require investigators be removed from a case if the IIT commander and community representatives determine the conflict would affect the investigation.

As discussed in our last summary report, we found that many IITs did not have all their members complete conflict of interest assessments at the start of the investigations. In 16 out of the 29 investigations we reviewed this year, IITs did not have some of their investigators or their community representatives fill out an assessment form.

In many instances, the IIT commander simply neglected to require investigators to fill out the form when they started working on the investigation. However, when the community representatives did not fill out a form, the IIT commanders often told us that they did not think it was a requirement, in part because the community representatives are responsible for reviewing the investigators’ assessments.

In many of the earlier investigations, IITs used conflict of interest forms that did not address all the components required by WAC. The assessment must include questions about prior interactions or relationships with the involved officer(s), as well as address social conflicts, work conflicts and potential biases. Some of the IITs’ original forms often excluded questions about biases. Most IITs have since adopted the CJTC’s conflict of interest template form that is available on its website.

The 2022 version of the WAC now requires that IITs use the CJTC’s template or develop their own form that meets or exceeds the CJTC’s standards. Some IITs are using revised versions of the CJTC form where they changed questions about potential biases. These IITs’ commanders said they thought the form’s questions were too subjective or repetitive. We shared some of the changes with the CJTC, and managers said that they did not think the revised forms met the WAC’s requirements. We recommended the CJTC provide guidance to IITs on how their forms can meet or exceed its standards. CJTC officials said questions on IIT-developed assessments need to elicit the same responses as the questions on the CJTC form.

3

Send notifications of press releases, as WAC requires

To increase the transparency of investigations and to ensure progress is communicated to the public, state rules require an IIT to post, at minimum, weekly public updates on the investigation's progress. These are required even if IITs have no new information to report.

In several instances, we found teams issued multiple press releases, but missed one or more weeks of public updates, usually at the beginning or the middle of an investigation.

In addition, the community representatives and the family of the person killed or injured by police use of force are supposed to receive advance notice of each public update. Similar to our findings in last year's report, this was one of the most common areas of noncompliance, with 17 of the 29 investigations not meeting this requirement. In some instances, IIT commanders thought they made all the required notices, but failed to document that they did so.

In previous audits, we recommended the CJTC clarify family communication requirements in WAC 139-12-030 for instances where injured people can communicate with investigators themselves. State rules do not distinguish between cases in which people survive or are killed by police use of deadly force. Some commanders said that injured people should be able to decide whether to tell their family about developments in the case, and did not think it was right or necessary for the investigation team to do so.

In a few instances, investigators said the family asked not to receive notifications. In those audit reports, we recommended the CJTC allow exceptions for required communications at a family's request.

The CJTC's most recent version of its best practices for independent investigations allows an injured person or the deceased person's family to waive regular updates from the IIT.

4

Preserve the credibility of involved officer and witness interviews

The credibility of statements from officers and witnesses is critical in independent investigations. Although not the responsibility of the IIT, one requirement outlined in the CJTC's best practices is for member agencies to prevent involved and witness officers from discussing the case with each other until the IIT takes their statements. This requirement is also reflected in most agency policies.

However, we have found that involved agencies' incident reports often do not document orders to officers to not to discuss the case. Many commanders said it is common practice among police departments to give those orders, but it is not the IITs' responsibility to ensure involved agency supervisors do so, or that they document it.

We have recommended IIT member agencies give these directives and document that they did so in incident reports. Since interviews with involved officers often occur days or weeks after the use of force, it is important for an involved agency to document that it has taken steps to prevent officers and witnesses from discussing the case with each other.



5

Secure investigation files from unauthorized access

For the audits conducted this year, the most common area of noncompliance we found was regarding case file restrictions. Best practices require independent investigation files be restricted to only investigators participating in the case. Eighteen of the 29 investigations did not meet the requirement. We found that most teams use electronic records management systems that can restrict files to specific personnel, and they create audit logs to show the files were restricted to only those people. However, in many cases, we have found agency employees who are not involved in the investigations access the case files. Teams must restrict the case files to participating investigators and appropriate support staff as soon as possible to ensure unauthorized personnel do not access them.

Next steps: New audits will review laws on officers' training and certification

In the coming year, our Office will continue to audit use of deadly force investigations that have occurred since January 2020. In addition to authorizing these audits, the Legislature passed a law allowing the CJTC to request our Office perform compliance audits of law enforcement agencies to determine if they are following laws, policies and procedures regarding the training or certification of police officers.

The CJTC has approached our Office with a proposal to review police agencies' compliance with a law requiring them to report certain actions by their officers that could lead to the suspension or revocation of their certification, including uses of deadly force and serious misconduct. We expect to publish the first of these audits in spring 2025.

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- Finally, decide whether you want full color or grayscale – we know folks rooted in #GoodGovernment are judicious with printer ink.

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