

HB 1179 is Essential to Ensure Full Transparency of State Audits of Police use of Deadly Force



Office of the
Washington
State Auditor

- In 2021, the legislature passed **ESSHB 1089 creating the Use of Deadly Force Investigation (UDFI) audit program**. It calls for SAO to audit investigations of police deadly force use since January 2020.
- The **SAO's UDFI program released 7 reports (3 more are scheduled to be released soon)**. Going back to 2020, there is a backlog of over 100 cases to review. Sadly, the list continues to grow.
- **UDFI audits depend on incident reports from independent investigation teams (IIT)**. Audits compare IIT reports to state laws and rules to determine if the required processes were followed.
- **Data redactions in the IIT reports have impeded SAO audit work**. Currently, key information in the reports may be redacted because it is nonconviction criminal justice data, known as Criminal Justice Information System (CJIS) data. CJIS data requires state legislative authorization for agency use.
- **HB 1179 simply ensures that the auditor's office has unfettered access to these reports**. Title 28 CFR 20.21 (b) 2 and (c) 3 allow states to designate who can review CJIS information for designated purposes. SAO is seeking to be a "dissemination" recipient NOT an active CJIS system user.
- On a daily basis, the **State Auditor's office already maintains and protects more secure information than any local law enforcement agency**. Examples of sensitive data entrusted to SAO include:
 - Cybersecurity information – the most secure possible information on people and agencies.
 - Medicaid data, including billing and client information
 - Hospital billing information
 - Mental health records
 - Court records, and much more . . .
- **HB 1179 will protect local law enforcement** from inadvertently releasing CJIS information, reduce their cost in redacting reports and ensure full transparency of the entire investigation and audit.
- **Photos and social security numbers are not information protected by the CJIS system**.
 - IIT reports often contain pictures that help provide proof of compliance, such as marking evidence at the scene and crime scene tape around the area, these are not CJIS data.
- What HB 1179 does NOT do:
 - It does NOT give SAO any sort of law enforcement powers.
 - It does NOT give SAO direct access to any secure database.
 - It does NOT allow SAO to retain secure CJIS data in any form.
 - It does NOT allow SAO to release CJIS data as a public record.

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