

# Skagit-Island Multiple Agency Response Team

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## MEDIA RELEASE

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### For Immediate Release:

Case #: 22-ST0002  
Date: April 28<sup>th</sup>, 2022  
PIO: Trooper Jacob Kennett  
E-mail: Jacob.kennett@wsp.wa.gov  
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### **UPDATE: 4/28/2022 3:00pm**

*This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency for investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.*

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

This week SMART investigators continued report finalizations and case preparation.

The next scheduled press release will be on May 5<sup>th</sup>, 2022. If there's a significant update in the investigation information will be released prior to then.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

Previous press releases can be found at <http://www.skagitcounty.net/SMART/HTML/cases.htm> .

### **UPDATE: 4/21/2022 12:00pm**

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Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

This week SMART investigators continued report finalizations and case organization.

The next scheduled press release will be on April 28<sup>th</sup>, 2022. If there's a significant update in the investigation information will be released prior to then.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

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#### **UPDATE: 4/14/2022 12:00pm**

***This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency for investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.***

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

This week SMART investigators compiled data and began the process of formulating the reports to be submitted to the prosecutor's office on completion.

The next scheduled press release will be on April 21<sup>st</sup>, 2022. If there's a significant update in the investigation information will be released prior to then.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

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#### **UPDATE: 4/7/2022 4:00pm**

***This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency for investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.***

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

This week SMART investigators continue to review the data and evidence collected.

The next scheduled press release will be on April 14<sup>th</sup>, 2022. If there's a significant update in the investigation information will be released prior to then.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

Previous press releases can be found at <http://www.skagitcounty.net/SMART/HTML/cases.htm> .

#### **UPDATE: 3/24/2022 4:00pm**

***This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency for investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.***

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

SMART investigators returned to the intersections of Fruitdale and McGarigle last Friday (3/18/22) to further document the scene under lunar conditions similar to those that would have been present the night of the incident (2/16/22).

The roadway was closed for approximately two hours so investigators could use collected evidence to position vehicles and involved officers in their respective locations. Measurements were used to estimate vehicle speeds, travel distances, lines of sight and reenact what occurred when the vehicle approached the intersection.

At this stage of the investigation detectives have determined, Sedro Woolley Police Sergeant Paul Eaton, and Officer Maxwell Rosser were off the roadway on the west shoulder. They deployed spike strips from the west side of the road as the vehicle Mr. Babcock was driving approached the intersection. The vehicle left the roadway on the west shoulder and continued southbound towards the officers' location. Officer Rosser fired multiple rounds at the oncoming vehicle. The vehicle slowed and hit a Sedro Woolley Police car parked near the intersection. The vehicle then rolled backwards, stopped and both officers contacted the driver.

Body worn camera footage from the two involved officers is available at:

[https://city-mountvernonwa.govqa.us/WEBAPP/\\_rs/\(S\(bsz0anyjrwardqdkuqc2vmbb\)\)/FindAnswers.aspx](https://city-mountvernonwa.govqa.us/WEBAPP/_rs/(S(bsz0anyjrwardqdkuqc2vmbb))/FindAnswers.aspx)

Evidence release decisions are a balance of transparency and ensuring a credible investigation. Information released too quickly can be detrimental to obtaining untainted witness accounts or later comparative analysis with all the evidence.

Our investigative work continues and at this point, we estimate several more weeks before the completed case is forwarded to the Skagit County Prosecutor.

The next scheduled press release will be on March 31<sup>st</sup>.

Previous press releases can be found at <http://www.skagitcounty.net/SMART/HTML/cases.htm>.

**UPDATE: 3/17/2022 4:00pm**

This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency in investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

The initial phase of the investigation centered around evidence preservation, collection and processing. SMART is now in a phase where collected evidence is stored, preserved and certain items are sent out for examination. When this occurs, timelines for results are outside our control.

The Washington State Patrol Crime lab prioritizes homicide investigations but the rise in crime across the state and finite number of resources available with the technical skills needed to conduct the analysis creates competing priorities for exam results.

SMART investigators can't competently do comparative analysis with body worn camera footage from the involved officers, witness accounts and information collected from the scene without these examination results.

Delays like this are not uncommon because of requirements for search warrants, coordinating interview schedules, selecting days and times for scene reconstruction and coordinating the work with our Citizen Representatives and involved families.

Skagit/Island Multiple Agency Response Team has conducted six IIT investigations since 2017 and the average time frame was 5 months due to factors outside of the investigative team's control.

We remain committed to conducting ourselves in a manner that produces a credible process.

The next scheduled press release will be on March 24th, 2022. If there's a significant update in the investigation information will be released prior to then.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

Previous press releases can be found at <http://www.skagitcounty.net/SMART/HTML/cases.htm>.

**UPDATE: 2/24/2022 4:00pm**

This update is required in compliance with WAC 139-12, which mandates weekly updates be sent out by the lead investigative agency in investigations where a Washington State Peace Officer uses deadly force in the capacity of his or her law enforcement duties. These updates are required even if no new information is available at the time of the update.

Skagit County - SMART is sending out this release as an update regarding the independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA.

Search warrants were obtained for the collection of evidence from the suspect vehicle. Detectives and members of the Washington State Patrol Crime Scene Response Team conducted an examination of the vehicle on February 23rd to further their investigation.

Detectives also continued to examine body worn camera video and GPS data as part of the investigative process.

The next scheduled press release will be on March 3rd, 2022. Information will be released prior to, if there's a significant update in the investigation.

With the passage of Washington State Initiative 940 in 2018, and Substitute House Bill 1064 in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

Previous press releases can be found at <http://www.skagitcounty.net/SMART/HTML/cases.htm> .

**UPDATE: 2/21/2022 4:00pm**

Skagit County - SMART is sending out this release as an update regarding independent investigation into the death of 51-year-old David A. Babcock of Concrete, WA. Mr. Babcock succumbed to his injuries at St. Joseph's Hospital in Bellingham.

The Whatcom County Medical Examiner conducted a medical examination today and determined the cause of death to be a gunshot wound to the head classifying it as homicide. By legal definition, "homicide" is the killing of a human being by the act, procurement, or omission of another, with death occurring at any time. It can be classified in different ways to include (1) murder, (2) homicide by abuse, (3) manslaughter, (4) excusable homicide, or (5) justifiable homicide.

SMART Investigators spent the remainder of last week securing and documenting incident events. This included scene mapping, measurements, and imagery. The involved vehicle is in a secure evidence facility for processing and examination.

Search warrants will be sought this week and investigators have requested the Washington State Patrol Crime Scene Response Team for assistance due to their expertise. Detectives also secured police body worn camera footage, statements from witnesses and canvassed the neighboring community.

At this stage, investigators have been able to determine that the suspect was travelling south on Fruitdale Road approaching McGargile Road. Officers were off the roadway near McGargile Road as the suspect vehicle approached. The vehicle left the roadway driving toward the officer's location when the shooting occurred. It's too early for conclusions as to why the driver took these actions or the resulting weapon discharge by police.

These are complex investigations with many pieces of evidence to consider. Independent Investigation Teams (IIT) such as SMART are comprised of Detectives and Command Staff from multiple agencies. When called into action the first step in the investigative process is to separate all from the process who represent the involved agencies.

Washington State Law outlines specific requirements for independent investigations involving police including how the sharing of investigative information is to occur. This includes contacting citizen representatives who have been trained to understand the requirements, verifying investigating officers do not have a conflict of interest, notification of family and assigning a liaison. IIT's are required to determine if the involved is a member of a recognized tribe if so, a tribal liaison must be assigned.

With the passage of [Washington State Initiative 940](#) in 2018, and [Substitute House Bill 1064](#) in 2019, incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm require an independent investigation. This investigation must be conducted in the same manner as a criminal investigation and state law now requires an "independent investigation" completely independent of the involved agency.

These are the preliminary requirements that must be in place prior to any release of information to the public. Citizen representatives, family and tribal liaisons are contacted and provided an opportunity to review all press releases before they are disseminated.

It takes time, requires thoroughness and patience for these investigations to be done properly. Ultimately, all evidence and information collected will be submitted to the Skagit County Prosecutor who will determine the legality of actions for all involved.

The Skagit-Island Multiple Agency Response Team remains committed to a process that promotes public trust through independence, transparency, communication and credible investigative methods.

**UPDATE: 2/17/2022 4:30pm**

On Wednesday, February 16, 2022 at approximately 11:19PM Mount Vernon PD attempted to execute a traffic stop for a possible stolen vehicle at College Way and Interstate 5. The vehicle failed to stop and entered northbound Interstate 5. Mount Vernon PD disengaged the traffic stop when the vehicle fled.

A Skagit County Deputy located the suspect vehicle moving and at approximately 11:46PM Sedro Woolley PD Officers attempted to reengage the vehicle at N Fruitdale Rd and McGarigle Rd. Four Officers were on scene and the preliminary information is one Sedro Woolley Officer discharged his firearm. The suspect is a 51 year old Concrete resident who was airlifted to St. Joseph's Hospital in Bellingham.

The Critical Incident protocol was enacted and the Skagit and Island County Multiple Agency Response Team (SMART), which is comprised of detectives from Skagit and Island County law enforcement agencies, was called to investigate. Community representatives and a family liaison have been identified as required by WAC 139. The investigation is ongoing.

**INITIAL RELEASE: 2/17/2022 2:30pm (Approximately)**

On Wednesday, February 16, 2022, at approximately 11:19pm, the Skagit-Island Multiple Agency Response Team was activated at the request of the Sedro Woolley Police Department to investigate an officer involved shooting incident.

The Washington State Legislature enacted WAC 139-12-030 (2019) establishing requirements for how agencies conduct independent investigation's involving police deadly force use. The intent was to enhance public trust and investigation integrity by providing independence, transparency, communication, a credible process, and credible investigators performing that process.

Within these requirements, the Independent Investigation Team (S.M.A.R.T.) is required to have Citizen Representatives assigned, Family Liaison Representatives for the involved families, determine if Tribal membership is associated and assign a Tribal Liaison accordingly. These are required before we are able to release investigation progress to the public.

SMART is currently working to fill these requirements and this is the reason for a delay in sharing investigative progress publicly. This, however, is not delaying critical investigative work.

Additionally, the law requires SMART's investigation remain totally separate from the involved agency (Sedro Woolley) including the sharing of any investigation information with them until the case is filed with a prosecutor.

We recognize this could be confusing and may even give an appearance of judgment about a case because the Involved Agency and the Skagit-Island Multiple Agency Response Team are sharing information differently when the public asks questions. This is not the intent nor inference that should be taken. Any information provided by the involved agency will come from sources separate from our investigation.

Skagit-Island Multiple Agency Response Team is committed to a credible process that complies with Washington State law.