



Solano County Officer-Involved Fatal Incident Protocol

August 8, 2012

Vallejo City Council Chambers

Definitions – OIF incident

- Intentional or Accidental Shooting, use of any other L/E tool or *any* force.
- Police Employee on-duty *or* off-duty
- Serious assault upon a police employee
- Any fatal injury during police custody
- Vehicle collisions, except off-duty, solo, or pursuit -non L/E vehicle involved

Actor defined

- The employee whose ACT or intention is the proximate cause of a fatal or great bodily injury to a suspect(s) or which is transferred to another person

FATAL injury

- Death or death likely
- Severe injury
- Injury with likely long-term impairment

Venue

- Geographical Jurisdiction- can be two adjoining if on border or if incident(s) occur in each
- “That agency which has the greater interest in the case by virtue of having the predominant police involvement...or... the majority of the acts leading up to the fatality..”

Venue cont'd

- On-duty officer involved as Actor in another jurisdiction
- A/the venue agency may relinquish its role in the criminal investigation to other protocol agencies (Employing agency)

Invocation

- AUTOMATIC & IMMEDIATE
- Upon occurrence of an OIF incident
- Venue/Employer shall notify the DA, Department of Justice or crime lab, employing agency, (Sheriff-Coroner & CHP as necessary)

Optional Invocation

- “.....upon occurrence of any sensitive or critical event involving an employee which may have possible criminal liability attached.”
- Venue or employer agency may elect to initiate protocol

Optional Invocation cont'd

- Fatality not covered by this protocol
 - Non-fatal / Non-Great bodily injuries
 - Other sensitive or critical event
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- DA may decline participation in optional invocations, but other agencies may assist as needed/requested

Criminal v. Administrative

- Criminal investigation to have immediate priority
- More on that later

Investigative Teams

- One or more, as needed.
- Each with a member from the venue agency(s), district attorney (& CHP / employing agency as needed)
- Co-Equals, but jurisdictional agency has ultimate authority to decide irreconcilable investigative issues

Truth and Justice

- No closed door meetings
- No privy conversations
- All protocol members are fully informed of all facts known to the individual teams

Purpose of Investigation

- To determine presence or absence of criminal liability on the part of ALL those involved in the incident.
- To determine the person(s) responsible..
- ...the existence of any factual or legal defenses or factors of mitigation or aggravation for that crime.
- To provide factual information to employer agency's management for internal use
- “..investigate in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation free of conflicts of interest.”

1st Step- Protocol Briefing

- Initial meeting of combined forces
- On scene “supervisor” most familiar with the circumstances relates ALL that is known to assembled protocol teams
- Identifies actors, witness officers and all witnesses, suspects and investigative leads
- Determine threshold decision to criminal culpability

Incident Scene

- Jurisdictional agency in charge
- ID & sequestering of witnesses

Interviewing police employees actor(s)

- Seek Voluntary statements
- Actor Officers are entitled to 5th amendment protections as anyone else
- GC3300 et seq. Public Safety Officers Procedural Bill of Rights Act – to be followed
- Entitled to representation

Interviews –witnesses

- Witness sequestered to the extent possible
- Should follow accumulation of as much info as possible
- Witness officers have no Fifth Amendment rights

Crime Scene work

- Department of Justice
- Other Law Enforcement Agency / Lab
- Private Criminalist Lab
- Member agency

Autopsy

- Usually Performed in County of death
- Our local pathologist may declare conflict
- Present -Primary protocol team member + DA member + lab/crime scene personnel
- Fully brief pathologist

District Attorney

- Has separate investigative authority
- May perform an independent investigation separate from protocol

Administrative Investigation

- Also called Internal Affairs Investigation
- Sole responsibility of employing agency
- Separate from the criminal investigators
- Access to all protocol briefings, scene, interviews, evidence

Administrative - Purpose

- Department policies
- Recommendations for agency improvement
- Community relations
- Claims and litigation

Media

- Lead or Venue agency has role for first 48hrs

“To seek and do justice...”

- District Attorney or Chief Deputy review of all cases
- Same law, burden of proof and filing standards are applied as in any case

Discussion

- Questions?