

FATAL INCIDENT REPORT

Summary

The 2006-2007 Sonoma County Grand Jury reviewed three officer-involved incidents and one inmate death received during this current year. The following reports were reviewed by the grand jury:

- 1) August 21, 2005, a Main Adult Detention Facility inmate was discovered unresponsive in her cell after having been booked into the facility on August 19, 2005. The inmate was pronounced dead at Kaiser Hospital. The autopsy conducted on August 23, 2005, attributed her death to chronic narcotism and alcohol abuse.
- 2) October 1, 2005, a person wanted on a child molestation warrant was shot and killed by Petaluma police officers when he attempted to fire on the officers with his own weapon.
- 3) December 7, 2005, a man with an extensive psychiatric history collapsed following a violent struggle with Sheriff's deputies who were attempting to take him into custody. The subject was transported to Sonoma Valley Hospital where he expired. The autopsy conducted on December 8, 2005, determined that death was due to cardio respiratory arrest due to agitated psychosis.
- 4) December 10, 2005, an armed state parolee was shot and killed by a Sonoma County Sheriff's deputy after the subject attempted to shoot the deputy.

Each report was found by the grand jury to be a thorough, detailed investigation. The District Attorney concluded that the officers and correctional officers involved in the incidents were not guilty of any criminal wrongdoing. The grand jury concurs with these findings.

Investigation Protocol

After an officer-involved incident or an inmate death an investigation is conducted. What does "under investigation" mean? Was the law enforcement action warranted? Did law enforcement personnel act with proper force? In Sonoma County, when a law enforcement officer is involved in a fatal injury, a countywide protocol is followed. This protocol is a comprehensive and detailed directive of how to investigate a fatal incident. Fatal injury is defined as "death or injury, which is so severe that death is likely to result."

The 2006-2007 Sonoma County Grand Jury reviewed four fatal incident reports. For each of these separate investigation reports were written by three different agencies:

- A law enforcement agency, not involved in the incident, conducting the independent (or protocol) investigation
- The primary law enforcement agency involved in the incident
- The District Attorney's office.

Of the incidents investigated and reviewed during the 2006-2007 grand jury term, all reviewing agencies agreed that no criminal offense had occurred. The grand jury found that the written reports were well documented and findings were without bias.

Reason for Investigation

The grand jury has historically reviewed fatal incident reports issued during its term to determine that county law enforcement:

- Complied with county fatal incident protocol
- Acted appropriately during the fatal incident
- Reports were written without bias
- Reports contained factual witness statements, determined by comparison of each written report
- Reports established a timeline of events leading up to and including the fatal incident.

Background

A fatal incident is defined in the Sonoma County Law Enforcement Chiefs' Association's "*Law Enforcement Employee-Involved Fatal Incident Protocol Investigation.*"

- A specific incident occurring in Sonoma County
- A law enforcement employee was involved and a fatal, or potentially fatal, injury occurred.

The District Attorney's office works with the outside agency and, based on the evidence gathered, establishes the presence or absence of criminal liability on the part of the involved officer(s) or the employing agency. The District Attorney's office summarizes the incident and recommendations, and reports them to the agency involved. The outside law enforcement agency issues a separate report. The primary agency also conducts a separate investigation and prepares its own report. When all reports are completed, including the District Attorney's report, a completed incident report is given to the grand jury for review.

Investigative Procedures

The grand jury reviewed a summary of the reports by the primary and outside agency, as provided to the District Attorney's office, as well as the District Attorney's reports on the incidents summarized on page one.

Findings

F1. The "Law Enforcement Employee-Involved Fatal Incident Protocol" requires that investigations be conducted "free of conflicts of interest."

F2. The primary agency that employed the officers involved conducted their own administrative investigation to determine:

- If the agency's policies and procedures were followed
- If there could be improvement in those policies and procedures
- If any disciplinary action should be imposed against a particular individual or individuals.

F3. The District Attorney's office, based on the evidence, reached its conclusions and issued a report for all the reviewed fatal incidents.

F4. The Critical Incident Report Status Log prepared by the District Attorney's office for the grand jury to review was not sent in a timely fashion.

F5. The District Attorney's Office concluded there was not sufficient evidence of criminal liability on the fatal incidents reviewed.

Conclusions

The grand jury found that the fatal incident reports reflected thorough, detailed and unbiased investigations by those assigned to the cases. The conclusion of the District Attorney's Office is clearly based on all aspects of submitted evidence, photographs, witness statements and reports by involved personnel. The grand jury found that established protocol was followed in the incidents reviewed.

Recommendations

R1. The grand jury recommends that they continue to be notified as soon as an incident protocol is initiated.

R2. The District Attorney must provide the grand jury with a copy of the Fatal Incident Report Status Log in a timely fashion on a quarterly basis.

Required responses to Findings and Recommendations

District Attorney, R1 and R2