

FATAL INCIDENT REPORTS



SUMMARY

The Grand Jury reviewed five fatal incident reports from the District Attorney. Three reports involved death of inmates, primarily due to medical conditions, and two dealt with incidents of an officer shooting a suspect during the process of apprehension. All reports reflected a thorough, detailed investigation by the District Attorney's office. Fatal incident reports are made by the primary law enforcement agency involved, an outside law enforcement agency, the District Attorney and the Civil Grand Jury.

The function of the District Attorney is to determine if there was criminal wrongdoing by any law enforcement officers in either shooting incident. The District Attorney found that there was no criminal liability in either shooting incident. The District Attorney does not deal with civil liability in any investigation.

The Grand Jury is required to review Fatal Incident Reports from the District Attorney to determine that county law enforcement agencies:

- Complied with the county fatal incident protocol,
- Acted appropriately during a fatal incident,
- Wrote reports without bias,
- Wrote reports containing factual witness statements, and
- Established a timeline of events leading up to, and including, the incident.

The Sonoma County Civil Grand Jury provides an independent citizen review of their conclusion regarding the absence of criminal behavior, and it ensures that law enforcement agencies complied with established investigative procedures and protocols.

APPROACH OR METHODOLOGY

The California Penal Code requires a formal investigation of each officer in a critical incident resulting in a fatality. The written "Employee-Involved, Fatal Incident Protocol" is the countywide policy, published by the Sonoma County Law Enforcement Chiefs' Association, to insure a prompt and efficient investigation when the following circumstances occur:

- A specific officer-involved critical incident occurred in Sonoma County, and
- A law enforcement employee was involved;

The protocol dictates that a task force of three separate agencies be formed to investigate, review and write reports. This task force is comprised of: (1) an outside law enforcement agency not involved in the incident, (2) the primary law enforcement agency involved in the incident, and (3) the District Attorney's Office.

The District Attorney's office investigates all of the evidence presented in the primary law enforcement report as well as the oversight report provided by an assigned outside agency. From the information garnered as a result of the investigation of these two reports, the D. A.'s office develops a fatal incident log. The information helps them to determine if the conduct of any involved officer rises to the level of criminal liability. The resulting final Critical Incident Report, prepared by the District Attorney's Office, is made available, by request, to the Sonoma County Grand Jury and other interested citizens.

DISCUSSION OR NARRATIVE

The Grand Jurors take their role in reviewing reported incidents, involving both deaths in custody and officer involved fatalities, very seriously. All available information of each incident is thoroughly and carefully reviewed to ensure that we are satisfied with the investigation of the law enforcement agencies and conclusions drawn by the District Attorney. The following fatal incidents have been referred to the Grand Jury for review:

11/30/07: Jail inmate died of stroke-related natural causes at the North County Detention Facility of the Main Adult Detention Facility (MADF);

1/03/08: A resident of a group home was shot by Santa Rosa police officers. Reporting agencies and the Grand Jury found no criminal liability. A federal civil law suit was filed. The Santa Rosa Police Department was dismissed from the suit by the federal court. Sonoma County is still involved in the suit.

09/18/09: A death in Main Adult Detention Facility (MADF) was determined to be caused by sickle cell anemia. All reports found this death to be attributed to natural causes related to this diagnosis.

01/21/10: A suicide occurred at MADF. All reports, as well as the Grand Jury review, found MADF personnel not culpable in the death;

06/03/10: A Sonoma County deputy sheriff shot a suspect after a high-speed chase and the resulting confrontation with the motorist. The Santa Rosa Police Department and District Attorney both filed reports, neither finding criminal liability on the part of the Sheriff's Department. The Grand Jury has accepted these reports without comment.

FINDINGS

- F-1. The Employee Involved Fatal Incident Protocol was followed in each incident of shootings.
- F-2. The District Attorney's Office reviewed the evidence and produced a report in the required time i.e. within ninety days of receipt of investigation reports.

RECOMMENDATIONS:

None