



The Sonoma County Grand Jury

OFFICER-INVOLVED CRITICAL INCIDENTS

July 1, 2004

Summary

The 2003-2004 Sonoma County grand jury reviewed reports regarding six officer-involved "critical incidents." For each incident there were investigative reports by three agencies: one by the District Attorney's Office, one by a law enforcement agency not involved in the incident, and one by the agency whose employee was involved. The District Attorney's Office concluded there was no evidence that any officer or law enforcement employee had committed a criminal offense in any of these incidents.

The grand jury also reviewed a Sheriff's Department internal report on the death of a terminally ill inmate who died in the jail while under a doctor's care. Because of the circumstances, this was not a critical incident and did not warrant investigation by the District Attorney's Office or an outside law enforcement agency.

The jury found that all the reports were well documented, complete, and objective. The jury also agrees with the District Attorney that no wrongdoing occurred in the six critical incidents.

Reason for Investigation

The grand jury has historically reviewed critical incident reports issued during its term to determine compliance with county law enforcement protocol and appropriateness of law enforcement behavior during critical incidents.

Background

A critical incident is defined in the Sonoma County Law Enforcement Chiefs' Association's "Officer Involved Critical Incident Protocol" as "a specific incident occurring in Sonoma County involving one or more persons, in which a law enforcement employee is involved as an actor, injured person or custodial officer", and a fatal or potentially fatal injury occurs. The protocol requires that a task force consisting of the District Attorney's Office and an outside law enforcement agency conduct investigations. The outside law enforcement agency must not be the one whose employee was involved in the incident. The District Attorney's Office works with the outside agency and based on the evidence gathered establishes the presence or absence of criminal liability. The District Attorney's Office summarizes the incident and recommendations, and reports them to the agency involved and to the Sonoma County civil grand jury. The outside law enforcement agency issues a separate report. The agency whose employee was involved may also conduct a separate investigation and prepare a separate report.

Investigative Procedures

The grand jury reviewed reports on the following incidents:

- Drug overdose resulting in death during a traffic stop
- Suicide during a traffic stop
- Cardiac arrest during a cell extraction in the Sonoma County jail resulting in coma and eventual death
- Drug overdose resulting in death of an inmate in the Sonoma County jail
- Nonfatal shooting involving a Sonoma County law enforcement officer
- Drug overdose resulting in death of an arrestee being booked into the Sonoma County jail
- Death due to natural causes of an inmate in the Sonoma County jail

Findings

- F1. The "Officer Involved Critical Incident Protocol" requires that investigations be conducted "free of conflicts of interest." For that reason the investigations were conducted by a law enforcement agency whose employees were not involved in the incidents. The District Attorney's Office also participated in the investigations and had the authority to investigate separately.
- F2. Upon completion of each incident investigation, the District Attorney's Office reviewed the physical evidence, the transcribed witness interviews, photographs and all other evidentiary material.
- F3. Based on the evidence, the District Attorney's Office reached its conclusions and issued critical incident reports for six cases. In each, the District Attorney's Office concluded there was insufficient evidence of criminal liability.
- F4. The agencies that employ the involved officers conducted their own administrative investigations of each incident. Administrative investigations seek to determine if the agency's policies and procedures were followed in the incident and whether there could be improvement in those policies and procedures. They also make a determination as to whether any disciplinary action should be imposed against a particular individual or individuals.
- F5. The District Attorney's Office responded to last year's grand jury recommendation that the District Attorney's Office routinely provide the grand jury with a copy of each critical incident report in a timely manner. Six incidents were reported in a timely manner. One incident was not investigated by the District Attorney's Office.
- F6. The District Attorney's Office should send the civil grand jury a copy of its critical incident log.

Conclusions

The jury found that each of the critical incident reports reflects a thorough, detailed, and unbiased investigation by those assigned to the case. The conclusion of the District Attorney's Office is clearly based on the evidence. The District Attorney's Office completes reports in a timely manner.

The jury concurs with the findings of the District Attorney's Office that there was no wrongdoing on the part of any officer involved in the incidents reviewed.

Sonoma County Grand Jury
Officer-Involved Critical Incidents (continued)

Recommendations

R1. Each month beginning August 1, 2004, the District Attorney's Office should send an updated copy of its critical incident log to the grand jury.

Required Responses to Findings:

None

Required Responses to Recommendations:

The District Attorney's Office: R1