

OFFICER-INVOLVED FATAL INCIDENT REPORTS

SUMMARY

The Grand Jury reviewed four Fatal Incident Reports. Two of the incidents involved jail deaths and two, officer involved deaths during apprehension. Each report reflected a thorough and detailed investigation. The District Attorney concluded that there was no criminal wrongdoing by any of the law enforcement officers involved in each incident.

REASON FOR INVESTIGATION

The Grand Jury is required by state law to review Fatal Incident Reports received 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;
- Established a timeline of events leading up to and including the fatal incident.

BACKGROUND

The California Penal Code requires a formal investigation of each officer involved critical incident. The Sonoma County Law Enforcement Chiefs Association Employee-Involved Fatal Incident Protocol established the County-Wide policy and procedures for prompt and efficient investigation if:

- A specific officer-involved critical incident occurred in Sonoma County;
- A law-enforcement employee was involved and a fatal incident occurred.
- 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:

- An outside law-enforcement agency not involved in the incident;
- The primary law-enforcement agency involved in the incident; and
- The District Attorney's Office.

The District Attorney's Office conducts an investigation to determine if the conduct of any of the officers involved rises to the level of criminal liability and develops a Fatal Incident Log. The District Attorney's report reviews the evidence, draws a conclusion and releases a report to the citizens and the Sonoma County Civil Grand Jury for an independent review.

INVESTIGATIVE PROCEDURES

The Grand Jury reviewed the completed reports by the primary and outside agencies, as well as the District Attorney's reports on the following incidents:

03/13/08: Jail inmate died due to natural causes as confirmed by evidence and autopsy.

12/20/08: Individual was assaulting his father and police were called. He was shot due to his delusional refusal to stand down.

11/06/08: Individual died at parent's home due to gunshot wounds inflicted by the City of Sonoma Police. He was under the influence of drugs and threatened police officers with a rifle.

09/23/07: Incarcerated male unresponsive to emergency medical treatment died due to natural causes

FINDINGS

F-1 The Law Enforcement Employee Involved Fatal 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, with the exception of jail deaths.

The District Attorney's Office also participated in the investigations and had the authority to investigate separately.

F-2 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.

F-3 Based on the evidence, the District Attorney's Office reached a conclusion and issued a fatal incident report in each of the four cases, and in each case there was no evidence of criminal liability.

F-4 The agencies that employ the involved officers conduct their own internal investigation to determine if the agency's policies and procedures were followed 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.

F-5 The District Attorney has failed to produce a report within ninety days of receipt of the completed investigation as stipulated in 2009.

RECOMMENDATIONS

R-1 The District Attorney must complete the investigation and produce a report relating to criminal liability within ninety days of receipt of all investigative reports.

R-2 Historically investigative documents have been available to the Grand Jury in advance of the District Attorney's Final Report. However, at times, documents have been delayed while awaiting the District Attorney's Final Report. The Grand Jury recommends the District Attorney establish a policy, to provide timely distribution of all fatal Incident documents, in order to comply with its obligation for independent review.

Required Responses to Recommendations:

Sonoma County District Attorney: R1, R2,