

OFFICER INVOLVED FATAL INCIDENT PROTOCOL



COUNTY OF SOLANO

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Krishna A. Abrams, District Attorney**

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TABLE OF CONTENTS

<u>Subject</u>	<u>Page Number</u>
Memorandum of Agreement	v-vii
I. DEFINITIONS	1
A. Officer Involved Fatal Incident	1
B. Law Enforcement Employee	2
C. Actor/Involved Officer	3
D. Proximate Cause	3
E. Fatal Injury	3
F. Venue Agency	3
G. Employer Agency	3
H. Criminal Investigator	4
I. Administrative Investigator	4
J. Member Agencies	4
II. INVOCATION OF PROTOCOL	4
A. Automatic and Immediate	4
B. Optional	4
1. By Venue or Employer Agency	4
2. Alternative to Optional Invocation	5
III. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES	5
A. Criminal Investigation	5
1. Purpose	6
2. Venue Determination	6
3. Protocol Briefing	7
4. Selection of Investigators	8
5. Agency Assistance, Substitution and Conflicts	8

<u>Subject</u>	<u>Page Number</u>
6. Scene Security	9
7. Video Recorded Evidence/Scene Walk-Through	9
8. Interviewing Law Enforcement Employees	10
a. Actor/Involved Officer	10
b. Witness(es)	11
9. Laws Governing Investigation	11
10. Intoxicant Testing	11
11. Physical Evidence	12
12. Autopsy	13
13. Report Writing	14
14. District Attorney's Office	14
B. Administrative Investigation	15
1. Necessity	15
2. Administrative vs. Criminal	16
3. Responsibility - Employer Agency	16
4. Liaison Between Administrative and Criminal	16
5. Laws Governing	16
6. Results	17
IV. NEWS MEDIA RELATIONS	17
A. Balance of Rights	17
B. No False Statements	17
C. Uniformed Parties Making Statements	17
D. Guidelines	17
1. Lead/Venue Agency	18
2. Employer Agency	18
3. Criminalistics Laboratory	18
4. Coroner	18
E. Notification on Sensitive Investigative Information	19
F. Assignment of Specific Individuals	19
V. REPORTS AND EVIDENCE	19
A. Access	19
B. Material	20


<u>Subject</u>	<u>Page Number</u>
VI. CORONER'S INQUEST	20
A. Purpose	20
B. Exceptions	20
C. Government Code 27491.6 - Mandatory	20

Memorandum of Agreement

All of the law enforcement agencies in Solano County hereby agree to adopt this Protocol and abide by its procedures in the investigation of Officer Involved Fatal Incidents.


In witness whereof, each agency head has executed this agreement on the date specified.

Solano County District Attorney's Office:

By: 
Krishna A. Abrams, District Attorney

Date: 8/11/16

Solano County Sheriff's Office:

By: 
Tom Ferrara, Sheriff/Coroner

Date: 5-12-2016

Benicia Police Department:

By: 
Erik Upton, Chief of Police


Date: 5/12/16

Dixon Police Department:

By: 
Ron Willingmyre, Interim Chief of Police

Date: 05-12-2016

Fairfield Police Department:

By: 
Joe Allio, Chief of Police

Date: 5-12-2016

Suisun City Police Department:

By: 
Tim Mattos, Chief of Police

Date: 5/12/16

Rio Vista Police Department:

By: 
Greg Bowman, Chief of Police


Date: 5-12-16

Vacaville Police Department:

By: 
John Carli, Chief of Police

Date: 5-12-16

Vallejo Police Department:

By: 
Andrew Bidou, Chief of Police

Date: 6-28-16

California Highway Patrol:

By: 
Rodney Strate, Captain

Date: 6-9-16

California Department of Corrections:

By:  906
Office of Internal Affairs

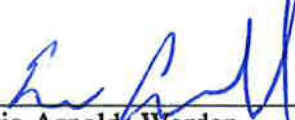
Date: 8-23-16

Correctional Medical Facility (CMF):

By: 
Robert Fox, Warden

Date: 6/9/16

California State Prison - Solano (CSP-Solano):

By: 
Eric Arnold, Warden

Date: 6/27/16

Probation Department

By: 
Christopher Hansen, Director of Probation

Date: 6/29/16

California Maritime Police Department

By: 
Donny E. Gordon, Chief of Police (Interim)

Date: 5/12/16

I. DEFINITIONS

A. "Officer Involved Fatal Incident"

Incidents occurring in Solano County involving two or more people, in which a police agency employee is involved as an "Actor," or custodial officer, where a "Fatal Injury" occurs. "An Officer Involved Fatal Incident" includes, but is not limited to, the following:

1. Intentional and accidental shooting, including police tactical incidents involving specialized response teams.
2. Intentional and accidental use of any other dangerous or deadly weapons.
3. Assault upon police officers; assault on other police employees who are on duty or are acting for a law enforcement purpose.
4. Attempt by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
5. Physical altercation, mutual combat, and domestic violence in which the police employee is acting in a private citizen capacity.
6. Any Fatal Injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or other natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide or custodial ingestion of toxic substance.
7. Any Fatal Injury to a person who is a passenger of a police officer (such as ride-alongs, emergency transports, etc.).
8. Vehicular collision, and specifically
 - a. including any vehicle fatality which occurs:
 - 1) after, although not necessarily as Proximate Cause of, police gunfire directed at the suspect or the suspect vehicle

2) in connection with use of vehicle(s) by police as an "enforcement intervention" technique intended to apprehend a suspect. ("Enforcement intervention": includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact.)

b. excluding any vehicle fatality which involves:

1) off-duty police employees who are not at the time of the incident acting for an actual, apparent or purported law enforcement purpose;

2) solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle;

3) police pursuits wherein the suspect vehicle which is being pursued by police vehicle(s) collides with another vehicle, a pedestrian or an object, where that collision did not result from collision contact between the suspect vehicle and a police vehicle or from "enforcement intervention".

B. "Law Enforcement Employee"

This Protocol applies to employees and to certain other people affiliated with the law enforcement agencies which are members of this Protocol agreement, as follows:

1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and whether acting for a law enforcement or a private purpose at the time of the Incident;

2. Full-time nonsworn employees who are on-duty at the time of the Incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;

3. Part-time nonsworn employees (same as paragraph B.2 above);
4. Reserve Peace Officers who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;
5. Temporary employees and volunteers whether paid or unpaid, who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident. This category includes informants when they are working under the direct control and supervision of a police officer.

C. "Actor/Involved Officer"

1. A person whose act is a "Proximate Cause" of a Fatal Injury to another person; or
2. A person who intends that his act be a "Proximate Cause" of serious bodily injury or death to another person who is actually killed by another.

D. "Proximate Cause"

A cause which, in a natural and continuous sequence, produces the Fatal Injury, without which cause the injury would not have occurred. Reasonable foreseeability of the Fatal Injury is not a factor relevant to this definition.

E. "Fatal Injury"

Death, or injury which is so severe that death is likely to result. Injury likely to cause serious impairment if the victim survives.

F. "Venue Agency"

The agency, or agencies, within whose geographical jurisdiction the Incident occurs.

G. "Employer Agency"

The agency by whom the involved Law Enforcement Employee is employed or with which he/she is affiliated. (In many cases the Venue Agency will also be the Employer Agency.)

H. "Criminal Investigator"

Those investigators assigned by the Venue Agency(cies), the Employer Agency(cies), the California Highway Patrol (when applicable), and the District Attorney's Office to conduct the criminal investigation of the Incident.

I. "Administrative Investigator"

Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the Incident.

J. "Member Agencies"

The law enforcement agencies in Solano County which are members of this Protocol agreement.

II. **INVOCATION OF PROTOCOL**

A. Automatic and Immediate

Upon the occurrence of an Officer-Involved Fatal Incident, this Protocol is automatically effective, immediately upon the occurrence.

Venue Agency/Employer Agency shall immediately notify the District Attorney, Coroner, Department of Justice or other appropriate forensic laboratory, and (when applicable) the California Highway Patrol of required response when applicable.

B. Optional

1. By Venue or Employer Agency

Each Member Agency of this agreement, when in the capacity of a Venue Agency or Employer Agency, may itself invoke this Protocol upon the occurrence of any sensitive or critical event involving a Law Enforcement

Employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.

a. Examples:

- 1) a fatality which is not covered by this Protocol
- 2) an officer involved incident where the injuries are not fatal
- 3) any other sensitive or critical event involving a Law Enforcement Employee where criminal conduct is a possibility to be investigated.

b. The District Attorney has discretion to decline participation in optional invocations.

2. Alternative to Optional Invocation

In lieu of invoking this Protocol, the involved agency(cies) may, of course, investigate the matter by itself (themselves) or may seek aid from other agencies.

III. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES

A. Criminal Investigation

The criminal investigation has investigative priority over the administrative investigation, and it begins immediately after an incident has occurred. It is performed by Criminal Investigators from the Venue Agency(cies), the Employer Agency(cies), the California Highway Patrol (when applicable), and the District Attorney's Office, formed into an Investigative Team for each incident. The participating agencies are co-equal within the investigation, but the agency within whose geographical jurisdiction the incident occurred has the ultimate authority to decide irreconcilable investigative issues. The District Attorney has final oversight of the criminal investigation, which will subsequently be forwarded to the **District Attorney** for independent review.

1. Purpose

- a. To determine presence or absence of criminal liability on the part of all those involved in the incident. Specifically:
 - 1) To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
 - 2) If criminal conduct does exist, to determine the identity of the person(s) responsible for that conduct; and
 - 3) If criminal conduct does exist, to determine the degree of the crime(s), the existence of any factual or legal defenses to that crime, and the presence or absence of any factors which would mitigate or aggravate punishment for that crime.
- b. To incidentally provide factual information to the Employer Agency's management for its internal use. (While the Criminal Investigators do not direct their investigation attention to administration concerns, it is recognized that the criminal investigation's results are of proper interest to agency management for its internal use and those results are fully available for that purpose.)
- c. Performed in a manner that provides both the appearance and the reality of a thorough, fair, complete, and professional investigation which is free of conflicts of interest.

2. Venue Determination

- a. When an Incident occurs in part in two or more jurisdictions, each of those jurisdictions is a Venue Agency.
- b. When an Incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute, the Venue Agency(cies) shall be:

- 1) The Employer Agency, if the Actor is employed by either boundary agency.
 - 2) Both boundary agencies, if Actors are employed by both.
 - 3) That agency which has the greater interest in the case by virtue of having the predominant police involvement in the incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction.
- c. For in-custody deaths, the agency having custody of the person at the time of his/her distress was first discovered is a Venue Agency. Also, a Venue Agency is the one within whose jurisdiction any fatal stroke was inflicted.
- d. If an on-duty peace officer is involved as the Actor in an Incident which occurs within the jurisdiction of another Member Agency, and if that officer was acting in the performance of his/her duty at the time of the Incident, the/a Venue Agency may elect to relinquish its role in the Criminal Investigation to the other Protocol Investigation agencies.
- e. If an on-duty probation officer is involved as the Actor in an Incident which occurs within the jurisdiction of another Member Agency, and if that probation officer was acting in the performance of his/her duty at the time of the Incident, the/a Venue Agency and the District Attorney's office will jointly conduct the Criminal Investigation.

3. Protocol Briefing

- a. The initial meeting of the combined forces who will be conducting the fatal incident Protocol investigation.
- 1) Held at the Venue Agency's facility or agreed upon alternate location when deemed warranted.
 - 2) Venue determination will be established.

- 3) Time and place where the on-scene supervisor, officer or detective most familiar with the circumstances of the Incident relates all that is known to the full complement of the Protocol members assembled to conduct the Protocol Investigation.
 - a) Identify Actors and witnesses, both law enforcement and civilian.
 - b) Threshold decision as to criminal culpability of the Actor and witness officers, as well as the injured party.

4. Selection of Investigators

Within the Protocol, the Criminal Investigators will be divided into one or more teams (the number depending upon the complexity of the Incident and upon the number of people to be interviewed). Each team will consist on one Criminal Investigator from the Venue Agency(cies), the Employer Agency(cies), the California Highway Patrol (when applicable), and a Criminal Investigator from the Solano County District Attorney's Office. The Protocol Investigation will be led by a primary team which is composed of the primary investigators from each of the Protocol agencies.

5. Agency Assistance, Substitution and Conflicts

- a. When a Venue or Employer Agency lacks sufficient resources, or when it believes it cannot properly investigate an Incident for another reason, it has two options:
 - 1) Obtain criminal investigative assistance from other Member Agency(cies). Borrowed officers would then be assigned to the Protocol Criminal Investigation as members of the requesting agency.
 - 2) Relinquish criminal investigative responsibility to another Member Agency or to the California Department of Justice.

b. Vehicle Collision Incidents:

- 1) Accidental collision fatalities shall be investigated by Protocol Criminal Investigators, joined by accident investigation specialists from the California Highway Patrol (C.H.P.) or from another agency. The accident investigation specialists have the primary responsibility for documentation, collection and preservation of physical evidence. On-scene collaboration with the California Department of Justice or other appropriate forensic laboratory is also encouraged.
- 2) If the fatality results from a collision that was not accidental (e.g., use of "enforcement intervention" techniques), OR if vehicle movement was merely incidental to a fatality which was caused by non-vehicular means, the accident investigation specialists may be used by the Protocol for that phase of the investigation, but their role will be limited to investigation of physical movement of the vehicle(s) and to collision reconstruction.

6. Scene Security

Each Agency has initial responsibility for immediately securing crime scene(s) within its territorial jurisdiction. This responsibility includes preservation of the integrity of the scene(s) and its/their contents, access control, and the identification and sequestration of witnesses. Responsibility may be changed by mutual agreement as the investigation progresses.

7. Video Recorded Evidence/Scene Walk-Through

- a. Prior to the interview of the Actor/Involved Officer, Detectives/Investigators from the primary agency should review all available audio/video recordings from police vehicle in car cameras, personal body cameras worn by responding officers and Actor/Involved Officers, independent third parties and, independent sources.

b. An Actor/Involved Officer will have an opportunity to review their own audio/video recording prior to giving a statement (Review of video by CDCR employees shall be at the discretion of the CDCR Office of Internal Affairs or Prosecuting Agency-See CDCR Policies). The Actor/Involved Officer should only view the video that was captured by their body camera or patrol video camera. The officer may also review any visual or audio material he/she saw or heard prior to the incident. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an actor/involved officer. If the investigator shows any audio/video recordings to Actor/Involved officer, the investigator should admonish the Actor/Involved Officer about the limitations of audio/visual recordings.

c. The following is an example of an admonishment that would be appropriate in a case involving video evidence:

“In this case, there is video evidence that you will have an opportunity to view. Video evidence has limitations and may depict the events differently than you recall, and may not depict all the events as were seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. Remember, the video evidence is intended to assist your memory and ensure that your statement explains your state of mind at the time of the incident. It is your choice whether to view any audio/video recordings prior to giving a statement.”

d. Investigators may ask the Actor/Involved Officer to view the incident scene during a “walk-through”. The investigator will determine the timing of the “walk-through.” Only one Actor/Involved Officer at a time will be permitted to do a “walk-through” of the scene.

8. Interviewing Law Enforcement Employees

a. Actor/Involved Officer

1) Voluntary statements for criminal investigation.

- 2) Entitled to representation at all phases of investigation (attorney).
- 3) Normally last to be interviewed.
- 4) Interview team should be comprised of one investigator from each of the Protocol agencies (venue/employer/D.A. and C.H.P. (when applicable)).
- 5) Audio recorded and preferably video recorded.
- 6) Timing of Interview.
If any actor/involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allow a reasonable period of time, up to 48 hours from the time of the incident, for the officer to be interviewed.

b. Witness(es)

- 1) Interviews should follow accumulation of as much information as possible at scene and from uninvolved witnesses.
- 2) Witness officers have no Fifth Amendment rights; may be ordered by agency superior to give statement/write report.

9. Laws Governing Investigation

- a. The criminal investigation is required to follow the rules of law which apply to all criminal proceedings, including constitutional, statutory, and case law regarding rights which are covered by the United States Constitution's 4th, 5th, 6th and 14th Amendments.

10. Intoxicant Testing

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When Protocol

investigators determine that a law enforcement employee's state of sobriety is relevant to the investigation, they have these options:

- a. Obtain the blood and/or urine sample by valid consent.
- b. Obtain the blood and/or urine sample incidental to valid arrest.
- c. Obtain a search warrant.
- d. When applicable, utilize Vehicle Code Section 23157 for vehicular driving Incidents.
- e. If an arrestee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.

11. Physical Evidence (Collection, Preservation and Analysis)

- a. The California Department of Justice Laboratory (DOJ Laboratory) or another appropriate forensic laboratory will document the scene(s) and collect, preserve and analyze physical evidence, except in some vehicular fatalities.
- b. Pending arrival of laboratory personnel, there are several important duties to be performed by police field evidence technicians or other.
- c. In unusual cases, the Protocol agencies may all agree that the laboratory need not be called to process the scene(s) and collect evidence. However, if any Protocol agency desires, a laboratory shall be used.
- d. Trained and experienced evidence collection officers from Member Agencies will have full responsibility for evidence work until the laboratory criminalist(s) arrive. These officers may be asked to assist the criminalist upon his/her arrival. Together, they will document, collect and preserve the physical evidence. Forensic opinions and analysis will be obtained from the laboratory designated by the Protocol members.

- e. The Venue or Employer Agency(cies) may be requested by the laboratory to furnish officers to assist with evidence and scene documentation, collection and preservation. Officers so involved will work under the direction of the laboratory's criminalist.
- f. Prior to final relinquishment of the scene, the Protocol investigators and the criminalist (and C.H.P. investigators when applicable) will provide the Administrative Investigators an opportunity to assess the need for further evidence processing.

12. Autopsy

- a. At least one member of the Protocol's primary investigative team, including a District Attorney's representative, will attend the autopsy. Investigators representing other Protocol agencies may also attend.
- b. The autopsy pathologist will receive a complete briefing prior to the post mortem examination. This briefing, which includes all information known to that time which may be relevant to the manner, cause, and means of death, shall be attended by at least one member of the Protocol's primary team, a District Attorney's representative, and a member of the criminalistics team.
- c. For autopsies conducted in Solano County, and for autopsies conducted in other counties where the pathologist agrees, the forensic laboratory may be utilized to document and collect physical evidence. In vehicular collision deaths, the California Highway Patrol or other accident investigation specialists have the responsibility, with assistance if appropriate from the DOJ Laboratory.
- d. Although the Coroner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a licensed medical doctor or licensed private investigator, or by a recognized professional criminalist, who has been retained by representatives of the decedent.

13. Report Writing

- a. All Criminal Investigators will write reports documenting their participation in the investigation.
- d. The investigators within each Protocol team will allocate and divide among themselves the responsibility for documenting interviews and observations.
- c. The lead Venue Agency has the ultimate responsibility for report writing and for collecting reports from other agencies.
- d. Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 30 days after the incident.

14. District Attorney's Office

- a. The District Attorney's Office has the following roles in Incident Investigations:
 - 1) Will participate in a supervisory role together with the Venue and Employer Agency(cies) and the California Highway Patrol (when applicable) in the Protocol team performing the criminal investigation.
 - 2) Assist and advise the Protocol members on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, and legal defenses.
 - 3) Upon completion of the criminal investigation, analyze the facts of the Incident as well as the relevant law to determine if criminal laws were broken. If so, prosecute as appropriate.
- b. The District Attorney has its own separate investigative authority. When deemed appropriate by the District Attorney (or his designated alternate in his absence), the District Attorney's Office

may perform an independent investigation separate from the Protocol.

- c. If no charges are filed, the District Attorney will issue a closing report summarizing the results of the investigation. It is not the purpose of the District Attorney's investigation or report to determine if any officer or deputy violated policy or procedure, or committed any act that would be subject to civil sanctions. The District Attorney's Office will issue a closing report containing its findings and conclusion within 90 days of the receipt of the completed investigative package.
- d. In an Officer-Involved Incident where the injuries are not fatal, the involved agencies should submit the original crime report for review and prosecution. The District Attorney's Office will not issue a closing report summarizing the results of the investigation pertaining to a non-fatal Officer Involved Incident, unless charges are not filed against the suspect.

B. Administrative Investigation

1. Necessity

In addition to its concern about possible criminal law violations by civilians and its own employees who are involved in an Incident (which concerns are addressed by the Criminal Investigation), the Employer Agency also has need for information about the Incident for non-criminal purposes:

- a. Internal Affairs: Determination of whether or not its employees violated departmental regulations.
- b. Agency Improvement: Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs and supervision.
- c. Government & Community Relations: Informing itself of the Incident's details so that it may adequately inform its parent governmental body, and so that it may be responsive to comments

about the Incident from the public and the media.

- d. Claims and Litigation: Preparing for administrative claims and/or civil litigation that may be initiated by or against the agency.

2. Administrative vs. Criminal

The Employer Agency may use an Administrative Investigation and/or a more specific "civil litigation investigation" format to investigate these concerns as it considers appropriate. While both the Criminal Investigation and the Administrative Investigation are important and should be aggressively pursued, investigative conflicts between the two formats shall be resolved by allowing the Criminal Investigation to have investigative priority. It is intended that this prioritization will preclude competition between the two formats for access to witnesses, physical evidence, and the involved parties, and that it will prevent the Criminal Investigation from being compromised by an untimely exercise of the Employer Agency's administrative rights.

3. Responsibility - Employer Agency

The initiation of Administrative Investigations and the extent of those investigations is, of course, solely the responsibility of the Employer Agency.

4. Liaison Between Administrative and Criminal

The Employer Agency should immediately assign at least one Administrative Investigator upon being notified of the Incident. This officer can function as a liaison between the Employer and the Protocol Investigations, gather information for the Agency, and is the Protocol Investigator's contact for personnel matters, even if no actual investigation is then warranted by that officer.

5. Laws Governing

Interview statements, physical evidence, toxicology test results, and investigative leads which are obtained by Administrative Investigators after ordering police employees to cooperate shall not be revealed to

Criminal Investigators without approval of the District Attorney's Office. Other results of the Administrative Investigation may or may not be privileged from disclosure to others, including the Protocol Investigators, depending upon applicable law. See California Penal Code 832.6; California Government Code 3300 et seq; Vela v. Superior Court, 108 Cal.App.3d 141, People v. Gwillim 223 Cal. App.3d 1254.

6. Results

The Protocol Team will promptly and periodically brief the Administrative Investigator(s) of the criminal investigation's progress. The Administrative Investigators will have access to briefings, the scene(s), physical evidence and interviewees' statements.

IV. **NEWS MEDIA RELATIONS**

A. **Balance of Rights**

The interests of the public's right to know what has occurred must be balanced with the requirements of the investigation and with the rights of involved individuals.

B. **No False Statements**

As in all other cases, care must be taken to insure that intentionally misleading, erroneous, or false statements are not made.

C. **Uninformed Parties Making Statements**

Agencies and individuals who are not well informed and not intimately involved with the investigation's results and progress should not make statements to the press.

D. **Guidelines**

While any agency cannot be prohibited from making statements to the news media about an Incident, these guidelines are established:

1. Lead/Venue Agency: The lead agency has the responsibility for making press releases about the Incident and its investigation for the first 48 hours.
 - a. Officers in close contact with the Protocol Team are in the best position to provide publicly released publicly releasable information about the facts of the case and the progress of the investigation be to the lead agency's administration and/or public information officer.

2. Employer Agency: If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to the following areas:
 - a. The employer-employee relationship.
 - b. Factual material revealed by the Employer Agency's own Administrative Investigation of the Incident.
 - c. Information which has been cleared for release by the Protocol Team.

3. Criminalistics Laboratory: Information released will usually be confined to general laboratory procedures, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis will generally not be released without clearance from an investigator from the Protocol's primary team.

4. Coroner: Release of information will generally be limited to the following:
 - a. Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
 - b. The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).

- c. The general nature of further medical testing or medical investigation to be done.
- d. Information obtained by Coroner's investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies will not be released by the Coroner without prior clearance from those agencies.
- e. Information regarding the holding of a Coroner's Inquest.
- f. Comments upon the verdict of a Coroner's Inquest Jury, or upon any testimony or evidence presented to the jury.
- g. The role of the Coroner in the investigation of death, in general terms.

E. Notification on Sensitive Investigative Information

If Protocol Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

F. Assignment of Specific Individuals

Interruptions to the investigators will be minimized if the agencies assign particular individuals to be the sole designated contacts with the news media.

V. REPORTS AND EVIDENCE

A. Access

Material (as defined below) which is created or collected by, or at the request or direction of, Protocol Criminal Investigators (including the Criminalistics Laboratory) will be made available in a timely manner to those agencies which have an interest in the investigation, including the Administrative Investigator.

B. Material

The material will include:

1. Reports, written and collected.
2. Access to physical/forensic evidence.
3. Photograph, diagrams, videotapes and audiotapes.

VI. CORONER'S INQUEST

A. Purpose

In each Officer Involved Fatal Incident wherein a non-police employee dies, where no criminal charges have yet been filed, and where the cause and manner of death have not been conclusively established, a **Coroner's Inquest** may be held. The purposes of the Inquest would be to develop any further evidence regarding the circumstances of the death, and to inform the public through sworn testimony of the facts of the Incident as well as to determine the cause and manner of death.

B. Exceptions

In those cases where the facts of the Incident are very clear and the Actor's conduct was obviously justified, the Coroner, the police chief of the involved agency(cies) and the District Attorney may all decide that an Inquest is not necessary.

C. Government Code section 27491.6 - Mandatory

Government Code section 27491.6 provides that the Coroner shall hold an Inquest if requested to do so by the Attorney General, the District Attorney, the Sheriff, City Prosecutor of City Attorney, or a Chief of Police in the county where the Coroner has jurisdiction.