

CRITICAL INCIDENT REPORTS

Summary

The Grand Jury reviewed three Critical Incident Reports on the deaths of inmates or persons in custody. Each report reflects a thorough and detailed investigation of the covered incident. The District Attorney concluded in each report that there was no criminal wrongdoing by the law enforcement agency involved in the matter.

Reason For Investigation

The Grand Jury has historically reviewed Critical Incident Reports issued during its term for compliance with established investigative procedures.

Background

The California Penal Code requires that a formal investigation of an officer-involved critical incident be conducted to determine if a criminal violation has occurred. The “Sonoma County Law Enforcement Chiefs Association Officer-Involved Critical Incident Protocol” (Protocol) establishes the county-wide policy and procedure for prompt and efficient investigation of officer-involved critical incidents. The Protocol provides for a task force, consisting of the District Attorney’s Office and appropriate police agencies, to conduct the criminal investigation. The District Attorney has separate investigative authority as well. From the evidence gathered in the investigation, the District Attorney decides whether a crime has occurred in the incident and whether prosecution is appropriate. The Critical Incident Report details the evidence and cites the District Attorney’s conclusions.

Investigative Procedures

The Grand Jury reviewed the following Critical Incident Reports:

- In-custody death September 28, 2000
- A jail death April, 8, 2001
- In-custody death July 21, 2001.

Findings

- F1. The Protocol is a comprehensive and detailed directive of how to conduct a Critical Incident investigation.
- F2. For each incident, an administrative and criminal investigation were conducted.
- F3. The Grand Jury did not review the findings of the administrative investigations, which are internal to the agencies and are not part of the Critical Incident Report.

- F4. The Protocol requires investigations be conducted “free of conflicts of interest.” In addition, the District Attorney’s Office participates in the investigations and has the authority to investigate separately.
- F5. Upon completion of the criminal investigations, the District Attorney reviewed the evidence, including photographs and transcribed interviews of witnesses.
- F6. Based on the evidence, the District Attorney reached his conclusion and issued a Critical Incident Report. In each incident, the District Attorney concluded that no criminal laws were broken by the officers involved.
- F7. Last year’s Grand Jury recommended that “Each Critical Incident Report should describe the nature of participation by the District Attorney’s Office in the investigation of the incident.” The District Attorney’s response indicated that “...the District Attorney’s Office will include in each Critical Incident Report done by the District Attorney’s Office a description of the District Attorney’s participation in the investigation of the incident.” These reports still do not indicate the level of participation by the District Attorney’s Office.

Conclusions

Each of the three Critical Incident Reports reflects compliance with the protocol. The Grand Jury agrees with findings of the District Attorney. The three reports did not describe the District Attorney’s participation in the investigation of the incidents.

Recommendation

- R1. Each Critical Incident Report should describe the nature of participation by the District Attorney’s Office in the investigation of the incident.

Required Responses To Findings

None

Required Responses To Recommendation

The District Attorney: R1