

OFFICER INVOLVED FATAL INCIDENT PROTOCOL



COUNTY OF SOLANO

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Krishna A. Abrams, District Attorney**

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OFFICER INVOLVED FATAL INCIDENT PROTOCOL COUNTY OF SOLANO

TABLE OF CONTENTS

<u>Subject</u>	<u>Page Number</u>
Memorandum of Agreement	iv-vi
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	3
I. Administrative Investigator	4
J. Member Agencies	4
II. INVOCATION OF PROTOCOL	4
A. Automatic and Immediate	4
B. Optional	4
III. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES	5
A. Criminal Investigation	5
1. Purpose	5
2. Venue Determination	6
3. Protocol Briefing	6
4. Investigative Team	7
5. Vehicle Collision Incidents	7
6. Scene Security	7
7. Video Recorded Evidence/Scene Walk-Through	7
8. Interviewing Law Enforcement Employees	9
a. Actor/Involved Officer	9

<u>Subject</u>	<u>Page Number</u>
9. Intoxicant Testing	9
10. Physical Evidence	10
11. Autopsy	10
12. Report Writing	11
13. District Attorney's Office	11
B. Administrative Investigation	12
1. Necessity	12
2. Administrative vs. Criminal	13
3. Responsibility - Employer Agency	13
4. Liaison Between Administrative and Criminal	13
5. Laws Governing	13
6. Results	14
IV. NEWS MEDIA RELATIONS	14
A. Balance of Rights	14
B. No Misleading Statements	14
C. Uniformed Parties Making Statements	14
D. Guidelines	14
1. Employer/Venue Agency	14
2. Criminalistics Laboratory	15
3. Coroner	15
E. Notification on Sensitive Investigative Information	15
V. REPORTS AND EVIDENCE	16
A. Access	16
B. Material	16
C. Public Records Act Requests and Release of Materials	16
D. Compilation of Evidence	16
VI. CORONER'S INQUEST	17
A. Purpose	17
B. Exceptions	17
C. Government Code 27491.6 - Mandatory	17

Memorandum of Agreement

All of the law enforcement agencies in Solano County agree to staff the Solano County Major Crimes Task Force (SCMCTF). The four largest agencies, Fairfield Police Department, Vallejo Police Department, Vacaville Police Department and the Solano County Sheriff's Office, agree to commit a full-time officer to the SCMCTF. At a minimum, all remaining agencies agree to commit part-time resources as needed and directed by the District Attorney Supervising Investigator.

An Operational Plan will be used in conjunction with the Officer Involved Fatal Incident Protocol and it identifies the roles and responsibilities of the SCMCTF.

We hereby adopt this Protocol and the corresponding Operational Plan, see attachment A. These are the controlling documents any time a Member Agency invokes the Protocol. By my signature, I agree to 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: 11/12/2020

Solano County Sheriff's Office:

By: 
Tom Ferrara, Sheriff/Coroner

Date: 11-12-2020

Benicia Police Department:

By: 
Michael Greene, Interim Chief of Police

Date: 11/12/2020

Dixon Police Department:

By: 
Robert Thompson, Chief of Police

Date: 11-12-2020

Fairfield Police Department:

By: 
Deanna Cantrell, Chief of Police

Date: 11/12/2020

Suisun City Police Department:

By: 
Aaron Roth, Chief of Police

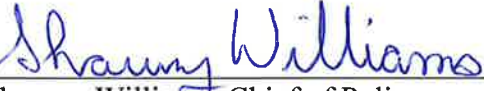
Date: 11/12/2020

Vacaville Police Department:

By: 
John Carli, Chief of Police

Date: 11/12/2020

Vallejo Police Department:

By: 
Shawny Williams, Chief of Police

Date: 11/12/2020

Probation Department

By: 
Christopher Hansen, Director of Probation

Date: 11/12/2020

California Maritime Police Department

By: 
Donny Gordon, Chief of Police

Date: 11/12/20

California Highway Patrol:

By: _____
Steve West, Captain

Date: _____

California Department of Corrections:

By: _____
Office of Internal Affairs

Date: _____

Correctional Medical Facility (CMF):

By: _____

Date: _____

California State Prison - Solano (CSP-Solano):

By: _____
Gigi Matteson, Warden

Date: _____

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. 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.
6. Any fatal injury to a person who is a passenger of a police officer (such as ride-alongs, emergency transports, etc.).
7. 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 pursuit intervention techniques (pit maneuver).

- 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 members of law enforcement as follows:

- 1. Any full-time, part-time, and hourly sworn officer, whether on-duty or off-duty acting for a law enforcement purpose at the time of the Incident;
- 2. Full-time, or part-time nonsworn employees who are on-duty at the time of the Incident;
- 3. 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;
- 4. 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 person 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 they are affiliated. (In many cases the venue agency will also be the employer agency.)

H. "Criminal Investigator"

Designated sworn law enforcement officers from the member agencies that are assigned to the Solano County Major Crimes Task Force (hereinafter SCMCTF) under the supervision of 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 in effect immediately. The venue agency/employer agency shall immediately notify the Supervising Investigator of the SCMCTF and/or Chief Investigator of the District Attorney's Office.

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. In the event the District Attorney declines participation, the venue agency shall assume responsibility for the investigation.

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. The criminal investigation is performed by the SCMCTF under the supervision of the District Attorney's Office. The District Attorney has final oversight of the criminal investigation, which will subsequently be forwarded to the District Attorney for independent review. The criminal investigation will comply with the rules of law which apply to all criminal proceedings, including constitutional, statutory, and case law regarding rights which are established by the United States Constitution's 4th, 5th, 6th, and 14th Amendments.

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;
 - 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 SCMCTF 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. The venue agency should be determined by the geographical jurisdiction where the fatal incident occurs.
- b. When an incident involves one or more jurisdictions, the venue agency(ies) shall be:
 - 1) 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 their distress was first discovered is a venue agency. Also, a venue agency is the one within whose jurisdiction the death occurred.

3. Protocol Briefing

- a. The SCMCTF will lead the briefing.
 - 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.

4. Investigative Teams

Within the protocol, the SCMCTF 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).

5. Vehicle Collision Incidents:

- a. Accidental collision fatalities shall be investigated by SCMCTF, 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.
- b. 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 SCMCTF 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 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, as necessary, as the investigation progresses.

7. Video Recorded Evidence/Scene Walk-Through

- a. Actor/involved officer(s) will have the opportunity to conduct a scene walk-through with their representative. A member of the SCMCTF will be present at the scene walk-through.

Actor/involved officer(s) will not be questioned and the scene walk-through will not be recorded.

- b. Prior to the interview of the actor/involved officer(s), SCMCTF members should review all available audio/video recordings from police vehicle in car cameras, personal body worn cameras of actor/involved officer(s), witness officer(s), and independent third parties and sources.
- c. If consistent with departmental policy, the actor/involved officer(s) will have an opportunity to review audio/video recordings prior to giving a statement. This includes reviewing their body worn camera, patrol in car camera, and reasonably available recordings that depict the actor/involved officer's field of vision at the time of the incident. The actor/involved officer(s) may also review any visual or audio material they saw or heard prior to the incident. (Review of video by CDCR employees shall be at the discretion of the CDCR Office of Internal Affairs or Prosecuting Agency-See CDCR Policies.)
- d. 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(s), the investigator should admonish the actor/involved officer(s) about the limitations of audio/visual recordings.
- e. 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.”

8. Interviewing Law Enforcement Employees

a. Actor/Involved Officer

- (1) Only voluntary statements for the criminal investigation.
- (2) Entitled to legal representation at all phases of investigation.
- (3) All interviews shall be audio recorded, and if the officer consents, video recorded in their entirety.
- (4) The actor/involved officer(s) interviews will be conducted by the SCMCTF. If consistent with departmental policy, the SCMCTF investigator who is employed by the employer agency may monitor the interview in the interview room or remotely.
- (5) **Timing of Interview**
The interview of an actor/involved officer(s) should be conducted as soon as reasonably practicable. However, if circumstances exist including but not limited to: fatigue, emotional distress, or injury, and if consistent with departmental policy, consideration should be given to allow for a reasonable period of time up to 72 hours for an interview to take place.

9. Intoxicant Testing

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When SCMCTF 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 23612 for vehicular driving Incidents.
10. Physical Evidence (Collection, Preservation and Analysis)
- a. The venue agency or member agency through mutual agreement shall be responsible for the collection of evidence. Any and all evidence collected shall be under the supervision of the SCMCTF. No items of evidence should be touched or moved, prior to the arrival of the Solano County Major Crime Task Force or without their direction and supervision. All evidence shall be secured/maintained by the venue agency and held at the direction of the SCMCTF.
 - b. Prior to final relinquishment of the scene, the SCMCTF investigators and criminalist, if any, (and C.H.P. investigators when applicable) will provide the administrative investigators an opportunity to assess the need for further evidence processing.
11. Autopsy
- a. At least one member of the SCMCTF investigative team will attend the autopsy.
 - b. The autopsy pathologist will receive a complete briefing from a member of the SCMCTF investigative team prior to the post mortem examination. This briefing includes all information known at that time which may be relevant to the manner, cause, and means of death.
 - 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.

12. Report Writing

- a. All investigators will write reports documenting their participation in the investigation.
- b. The SCMCTF will allocate and divide amongst themselves the responsibility for documenting interviews and observations.
- c. Prompt completion and distribution of reports is essential. SCMCTF will strive for report completion and distribution within a reasonable period of time.

13. District Attorney's Office

- a. The District Attorney's Office has the following roles in incident investigations:
 - 1) The Supervising Investigator of the District Attorney's Office will supervise the SCMCTF in conducting the criminal investigation.
 - 2) Assist and advise SCMCTF 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 criminal culpability, if any.
- b. The District Attorney has its own separate investigative authority. When deemed appropriate by the District Attorney (or their designated alternate in their absence), the District Attorney's Office may perform an independent investigation separate from the Officer Involved Fatal Incident 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 receipt of the completed investigation.

- 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 either (1) charges are not filed against the suspect, (2) charges are dismissed in the interests of justice, or (3) charges filed against the suspect are unrelated to the use of force.

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(s) upon being notified of the incident. The administrative investigator (s) will function as a liaison between the employer and the SCMCTF team to gather information for the agency, and is the SCMCTF contact for personnel matters, even if no actual investigation is then warranted of 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 the SCMCTF Team.

6. Results

The SCMCTF 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 Misleading Statements

As in all other cases, care must be taken to ensure the accuracy of any statement made to the media. Avoid disclosure of erroneous or possibly misleading statements.

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. Employer/Venue Agency:

Within the first 48 hours of a fatal incident, the employer/venue agency may issue a press release.

Any subsequent investigative update should be approved or issued by the District Attorney's Office to ensure any release of information does not compromise the criminal investigation.

2. 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 the SCMCTF.
3. 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 the District Attorney's Office determines 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.

V. REPORTS AND EVIDENCE

A. Access

Material (as defined below) which is created or collected by, or at the request or direction of SCMCTF (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.

C. Public Records Act Requests and Release of Materials

The release of materials pursuant to a public records request or any other release of materials required by law shall be coordinated between the agencies receiving the request and the District Attorney. Upon receipt of a request for the release of materials, the agency receiving the request shall notify any other agency, the actor/involved officer(s), and the District Attorney within seventy-two (72) hours of receiving the request and prior to releasing any materials.

D. Compilation of Evidence

All evidence, including all body worn, dash, Taser, aircraft and cell phone camera and video evidence, should be compiled during the investigation with the goal of responsible transparency. As required by local ethical rules, evidence generally shall not be commented on or released to the media until the prosecution agency has had a reasonable opportunity to review the completed case file and has made a formal charging decision. Premature release may violate not only ethics rules but may compromise witness testimony or otherwise jeopardize the integrity of the case. (21st Century Principles of Prosecution Peace Officer Use of Force Project, p. 19)

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/involved officer'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 or City Attorney, or a Chief of Police in the county where the Coroner has jurisdiction.

Solano County District Attorney Major Crimes Task Force

Operation Plan

The Solano County District Attorney and undersigned agencies believe that an interagency team of investigators is needed to conduct independent investigations into the use of deadly force by officers. As a result, The Solano County Major Crimes Task Force (SCMCTF) was established. The purpose of the SCMCTF is to provide a framework for a consistent response to an officer's use of deadly force which treats the officer fairly and promotes public confidence in the criminal justice system.

The investigation conducted by the SCMCTF is a criminal investigation. The purpose of the criminal investigation is to determine the presence or absence of criminal liability on the part of all those involved in the incident.

SCMCTF Membership

1. The SCMCTF will be supervised by a Supervising Investigator from the Solano County District Attorney's Office.
2. One investigator will be assigned from the Vacaville Police Department.
3. One investigator will be assigned from the Vallejo Police Department.
4. One investigator will be assigned from the Solano County Sheriff's Office.
5. One investigator will be assigned from the Fairfield Police Department.
6. Three half-time investigators will be assigned from the ranks of the Benicia Police Department, Dixon Police Department, and Suisun City Police Department.
7. Each participating agency with an investigator assigned to the SCMCTF as set forth in sections 1-6 above, shall also identify back-up investigators, to

ATTACHMENT A

ensure a readily identifiable pool of investigators is available to the Supervising Investigator. Back-up investigators are encouraged but not required to participate in SCMCTF training.

Selection of Members

1. Member agencies will nominate investigators to be selected by the SCMCTF. These investigators will work under the direction of the Supervising Investigator of the Solano County District Attorney's Office.
2. Individual members of the SCMCTF remain responsible to their respective agencies for conduct, performance, and activities while assigned to the SCMCTF.
3. It is strongly encouraged that each assigned investigator serve a minimum of three years on the SCMCTF.

Additional Investigative Resources

1. In the event that additional investigative resources are needed, the Supervising Investigator may request any of the member agencies that are a party to this agreement, to provide those additional resources.
2. The Supervising Investigator shall make sure that at least one investigator is assigned to the SCMCTF from the agency employing the officer involved in the use of deadly physical force.

Supervising Investigator Responsibilities

1. The Supervising Investigator is responsible for coordinating the criminal investigation and making assignments.
2. The Supervising Investigator is responsible for assigning a lead investigator to the case. The lead investigator shall not be from the actor/involved officer's agency.
3. The Supervising Investigator shall be responsible for ensuring the investigation complies with the terms of the Solano County Officer Involved Fatal Incident Protocol.

ATTACHMENT A

4. The Supervising Investigator shall be responsible for briefing the employer agency personnel assigned to the administrative investigation and allow the administrative investigators access to the crime scene.
5. The Supervising Investigator is responsible for keeping the District Attorney apprised of the progress of the investigation.
6. The Supervising Investigator is responsible for ensuring a comprehensive investigation to include the preparation of a casebook to be delivered to the District Attorney for review.

Member Agency Responsibilities

1. Member agencies are responsible for all expenses associated with the education and training of their assigned investigator to the SCMCTF.
2. When an incident involving the use of deadly force by an officer results in death or serious physical injury, the employer agency is responsible for notifying the Supervising Investigator of the SCMCTF and Chief District Attorney Investigator.
3. The employer agency shall identify the supervisor or other staff that will be conducting the administrative investigation.

Investigative Protocols

1. The criminal investigation conducted by the SCMCTF will at all times have priority over any administrative investigation. The SCMCTF will follow the Solano County Officer Involved Fatal Incident Protocol.
2. The actor/involved officer(s) will have the opportunity to conduct a walk-through at the scene with their representatives. A member of the SCMCTF will be present at the walk-through. The actor/involved officer(s) will not be questioned and the walk-through will not be recorded.
3. The actor/involved officer(s) will be photographed and a firearm ammunition count will be done as soon as possible. This collection will be under the direction and supervision of a SCMCTF member.

ATTACHMENT A

4. SCMCTF will ensure all relevant evidence is marked, collected and preserved.
5. The SCMCTF will be divided into teams with assigned investigative responsibilities. (The number of teams will be determined by the complexity of the investigation.)

Team A will be responsible for interviewing the actor/involved officer(s). Read the "Video Evidence admonishment" to the officer if video is going to be viewed before the interview. Be present if the actor/involved officer decides to do a scene walk-through with their attorney.

Team B will be responsible for witness officer / civilian witness interviews.

The remaining teams will be made and deployed as needed. There will be at least one SCMCTF member assigned to witness the evidence collection at the crime scene(s).

6. If consistent with departmental policy, the actor/involved officer(s) will have the opportunity to review audio/video recordings prior to giving a statement. This includes reviewing their body worn camera, patrol in car camera, and reasonably available recordings that depict the actor/involved officer's field of vision at the time of the incident. The actor/involved officer(s) may also review any visual or audio material they saw or heard prior to the incident.
7. The interview of an actor/involved officer(s) should be conducted as soon as reasonably practicable. However, if circumstances exist including but not limited to: fatigue, emotional distress, or injury, and if consistent with departmental policy, consideration should be given to allow for a reasonable period of time up to 72 hours for an interview to take place.
8. All original reports shall be submitted to the Supervising Investigator for approval prior to submission to the investigator's agency.
9. The SCMCTF will initially present the incident within forty-eight (48) hours to the Solano County District Attorney.

ATTACHMENT A

Venue Agency Responsibilities

1. Provide a location for briefing the incident and, interview room(s).
2. Download and provide all actor/involved officer(s) and witness officer(s) body worn camera recordings and/or in car camera recordings.
3. Provide a copy of dispatch recordings and CAD logs.
4. Provide any privately-owned video or audio footage obtained during the initial investigation.
5. Provide any relevant information pertaining to possible suspect(s) and witnesses to the incident that are maintained by the agency.
6. Ensure all departmental videos are available to be viewed during the SCMCTF briefing.
7. Write any search warrants that may be needed on the initial night or day of the investigation. All other search warrants relating to the SCMCTF investigation will be written by the SCMCTF.
8. Secure the crime scene and collect and document all relevant evidence. A member of the SCMCTF must be present at the crime scene prior to processing.
9. Prior to final relinquishment of the scene, the SCMCTF and criminalist, if any, and C.H.P. investigators (when applicable) will provide the administrative investigators an opportunity to assess the need for further evidence processing.

Actor/Involved Officer Interviews

1. The actor/involved officer interviews will be conducted by the SCMCTF. If consistent with departmental policy, the SCMCTF member who is employed by the actor/involved agency may monitor the interview in the interview room

ATTACHMENT A

or remotely.

2. The actor/involved officer(s) will be asked questions based on the “Officer Involved Fatal Incident Interview Guidelines” consistent with best practices.
3. The actor/involved officer(s) may be asked if they are familiar with their agencies Use of Force Policy and vehicle driving policies, if applicable. The actor/involved officer(s) may be asked if they have qualified with their firearm within the past year.

Training

1. The Supervising Investigator is responsible for scheduling periodic meetings of the SCMCTF.
2. Each member agency, having an investigator assigned to the SCMCTF, is responsible for all training in the investigations of the use of deadly force by members of law enforcement.

Solano County District Attorney Major Crimes Task Force

Operation Plan

The Solano County District Attorney and undersigned agencies believe that an interagency team of investigators is needed to conduct independent investigations into the use of deadly force by officers. As a result, The Solano County Major Crimes Task Force (SCMCTF) was established. The purpose of the SCMCTF is to provide a framework for a consistent response to an officer's use of deadly force which treats the officer fairly and promotes public confidence in the criminal justice system.

The investigation conducted by the SCMCTF is a criminal investigation. The purpose of the criminal investigation is to determine the presence or absence of criminal liability on the part of all those involved in the incident.

SCMCTF Membership

1. The SCMCTF will be supervised by a Supervising Investigator from the Solano County District Attorney's Office.
2. One investigator will be assigned from the Vacaville Police Department.
3. One investigator will be assigned from the Vallejo Police Department.
4. One investigator will be assigned from the Solano County Sheriff's Office.
5. One investigator will be assigned from the Fairfield Police Department.
6. Three half-time investigators will be assigned from the ranks of the Benicia Police Department, Dixon Police Department, and Suisun City Police Department.
7. Each participating agency with an investigator assigned to the SCMCTF as set forth in sections 1-6 above, shall also identify back-up investigators, to

ATTACHMENT A

ensure a readily identifiable pool of investigators is available to the Supervising Investigator. Back-up investigators are encouraged but not required to participate in SCMCTF training.

Selection of Members

1. Member agencies will nominate investigators to be selected by the SCMCTF. These investigators will work under the direction of the Supervising Investigator of the Solano County District Attorney's Office.
2. Individual members of the SCMCTF remain responsible to their respective agencies for conduct, performance, and activities while assigned to the SCMCTF.
3. It is strongly encouraged that each assigned investigator serve a minimum of three years on the SCMCTF.

Additional Investigative Resources

1. In the event that additional investigative resources are needed, the Supervising Investigator may request any of the member agencies that are a party to this agreement, to provide those additional resources.
2. The Supervising Investigator shall make sure that at least one investigator is assigned to the SCMCTF from the agency employing the officer involved in the use of deadly physical force.

Supervising Investigator Responsibilities

1. The Supervising Investigator is responsible for coordinating the criminal investigation and making assignments.
2. The Supervising Investigator is responsible for assigning a lead investigator to the case. The lead investigator shall not be from the actor/involved officer's agency.
3. The Supervising Investigator shall be responsible for ensuring the investigation complies with the terms of the Solano County Officer Involved Fatal Incident Protocol.

ATTACHMENT A

4. The Supervising Investigator shall be responsible for briefing the employer agency personnel assigned to the administrative investigation and allow the administrative investigators access to the crime scene.
5. The Supervising Investigator is responsible for keeping the District Attorney apprised of the progress of the investigation.
6. The Supervising Investigator is responsible for ensuring a comprehensive investigation to include the preparation of a casebook to be delivered to the District Attorney for review.

Member Agency Responsibilities

1. Member agencies are responsible for all expenses associated with the education and training of their assigned investigator to the SCMCTF.
2. When an incident involving the use of deadly force by an officer results in death or serious physical injury, the employer agency is responsible for notifying the Supervising Investigator of the SCMCTF and Chief District Attorney Investigator.
3. The employer agency shall identify the supervisor or other staff that will be conducting the administrative investigation.

Investigative Protocols

1. The criminal investigation conducted by the SCMCTF will at all times have priority over any administrative investigation. The SCMCTF will follow the Solano County Officer Involved Fatal Incident Protocol.
2. The actor/involved officer(s) will have the opportunity to conduct a walk-through at the scene with their representatives. A member of the SCMCTF will be present at the walk-through. The actor/involved officer(s) will not be questioned and the walk-through will not be recorded.
3. The actor/involved officer(s) will be photographed and a firearm ammunition count will be done as soon as possible. This collection will be under the direction and supervision of a SCMCTF member.

ATTACHMENT A

4. SCMCTF will ensure all relevant evidence is marked, collected and preserved.
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ATTACHMENT A

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ATTACHMENT A

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