

Memorandum of Understanding
Creating the
Nineteenth Judicial District
Critical Incident Response Team (CIRT)

FORWARD

This protocol was designed and implemented to assist the law enforcement agencies of the 19th Judicial District. Investigations of officer-involved fatal or near fatal incidents present a unique set of circumstances, which make them more complex than routine investigations. It is the intention of this protocol to make these difficult investigations less traumatic for all member agencies. The pooling of resources involved through this protocol should make manpower intensive situations less draining for each individual agency. The talent and experience of all those involved will serve to assure a complete and thorough investigation in the least amount of time, to the benefit of all members. To that end, members will form the Critical Incident Response Team (CIRT).

When activated, the Critical Incident Response Team (CIRT) will respond, investigate, and present the facts in the most expeditious manner possible. It is intended that this unit will be viewed by both the member agencies and the public as a highly professional, unbiased, fact-finding team, working to resolve difficult investigations.

Team Coordinators, Team Leaders, and Team Members shall be drawn exclusively from qualified personnel in the undersigned 19th Judicial District law enforcement organizations.

POLICY

It is the consensus of the CEOs of the law enforcement agencies in the 19th Judicial District that a team of highly trained and skilled investigators, working in conjunction with the District Attorney and comprised of personnel from each participating law enforcement agency and the District Attorney's Office, shall be formed to investigate incidents in which any law enforcement officer within the District uses deadly force, or attempts to use deadly force, against a human being while acting under the color of official law enforcement duties. The role of the CIRT will be to fully investigate the use of force, typically through the discharge of a firearm by an officer(s) at a human being. At the request of the involved agency's CEO, the CIRT may investigate other use of force situations resulting in serious injury, as well as in-custody deaths or

the death of a peace officer in the line of duty. All information received by the CIRT investigation will be turned over to the involved agency as well as the District Attorney.

For the purpose of maintaining transparency and to eliminate potential conflict of interest, CIRT members from the involved (requesting agency) shall not be used for critical duties related to the CIRT investigation of that agency. They may be used in a support function, as determined by a CIRT Team Coordinator.

TEAM COMPOSITION

The Critical Incident Response Team will consist of law enforcement personnel who are designated by the Sheriff, Police Chiefs, and the District Attorney of the participating agencies.

The Team Coordinators (lieutenant, commander equivalent, or above) or a designee are responsible for the callout notifications to the responding team members upon the request of the requesting agency. One CIRT Team Coordinator will have overall command of a given incident and all other involved CIRT personnel handling the case shall be subordinate to him or her.

The Team Leaders (Sergeant or equivalent) will serve as the secondary contact point for investigations and as supervisors overseeing the conduct of the investigation.

Team members (Investigators/detectives) conduct the investigation and perform those duties assigned to them by a Team Leader.

The Assistant District Attorney or a Chief Deputy District Attorney will be appointed to serve as advisor to the team, to provide legal guidance and information to members of the team.

Each participating agency shall be responsible for assigning appropriate personnel to the team. It is also the responsibility of each participating agency to review its assigned personnel on a yearly basis or as necessary to insure that there are qualified and highly motivated personnel assigned.

PRESENTATION OF INVESTIGATIVE FINDINGS

When the investigation is completed, it will be presented by the CIRT members designated by the Team Coordinators to the District Attorney to determine whether or not the officer was justified in using force. The Team Coordinators are responsible for notifying and scheduling the presentation with the District Attorney and CEO of the involved agency. The CEO of the involved (requesting) agency may request that the Team Coordinators make a separate presentation to the involved agency's Command Staff.

In addition to the District Attorney, the presentation will be attended by Chief Deputies, the Assistant District Attorney, and any other individuals designated by the Team Coordinators or District Attorney. No one involved in the critical incident from the requesting agency or agencies may attend the DA presentation.