

Interagency Deadly Force Investigations Team

Memorandum of Understanding

In conjunction with the Lane County Deadly Physical Force Plan, the undersigned agencies believe that the existence of an interagency team of investigators to conduct investigations into incidents involving the use of deadly physical force will result in increased public confidence in the outcome of such investigations. The undersigned agencies are able to contribute high quality investigators to this team, resulting in thorough, fair, and professional investigations. This team will be known as the Interagency Deadly Force Investigations Team.

The IDFIT team will investigate on duty law enforcement officer use of deadly force resulting in serious physical injury or death in Lane County. Any investigation conducted by the Team is a criminal investigation (1) to ascertain the presence or absence of criminal responsibility as a result of an Involved Officer's use of deadly physical force, and (2) to determine the presence or absence of criminal responsibility by any other person associated with the incident.

Therefore, the undersigned agencies agree as follows:

Section I : Team Membership

1. Supervisors

- a. The Team will be supervised by a detective sergeant from the Oregon State Police (the Supervising Sergeant).
- b. The detective sergeant from the Lane County Sheriff's Office will be assigned to the Team and work in conjunction with the Oregon State Police detective sergeant, and may assume the Supervising Sergeant responsibilities as needed.
- c. In an investigation where both detective sergeants are conflicted off the investigation or otherwise unavailable, a non-conflicted detective assigned to the Team will assume Supervising Sergeant responsibilities for the investigation.

2. Additional Members

- a. Two detectives will be assigned from the Eugene Police Department.
- b. Two detectives will be assigned from the Springfield Police Department.

- c. Two detectives will be assigned from the Lane County Sheriff's Office.
- d. Two detectives will be assigned from the Oregon State Police.
- e. Two investigators will be assigned from the ranks of the remaining departments that are a party to this agreement. The investigators will be chosen from two separate agencies.
- f. Each participating agency with an officer assigned to the Team as set forth in this Section shall also identify back-up investigators so that a readily identifiable source of additional investigators is available to the Supervising Sergeant. Back-up investigators are not obligated to participate in Team training.
- g. The Supervising Sergeant will maintain a written Roster of all Team Members for a given investigation. The Team Supervisor will include this Roster in their case report(s).

3. Lane County Parole and Probation

- a. By agreement of the Lane County District Attorney's Office, Lane County, and the Lane County law enforcement agencies covered by the Deadly Physical Force Plan, when deadly physical force is used by a Lane County Parole and Probation officer, and such force results in death or serious physical injury, the criminal investigation of such use of force shall be conducted by the Interagency Deadly Force Investigations Team.
- b. Except as noted below, the provisions of the Deadly Physical Force Plan shall not apply to the Parole and Probation Department or the Parole and Probation officer, except as determined to be appropriate by the Parole and Probation Department.
- c. The following sections of the Deadly Physical Force Plan shall apply to investigations conducted by the Team that involve Parole and Probation Officers: Section 5, subsections (2), (3), (4), and (8).

4. Selection of Members

- a. The selection of the Members of the Team or changes to membership will be made by the Supervising Sergeant. Each member agency will submit the names of potential candidates along with a description of their qualifications that make them suitable for assignment to the Team.
- b. Member agencies shall endeavor to make a three-year commitment of the investigator to the Team.

5. Liaison Officer: In all investigations, the Supervising Sergeant shall make sure that at least one officer is assigned to the Team from the agency employing the officer involved in the use of deadly physical force (“liaison officer(s)”). A witness officer may not be a liaison officer.
6. Additional Investigative Resources: If additional investigative resources are needed, the Supervising Sergeant may call upon any of the agencies that are a party to this agreement to provide those resources. If the additional resource is a supplemental Team Member, the Supervising Sergeant will include that additional member on the Roster.
7. Conflicts
 - a. Team Members are expected to act at all times in a manner that promotes public confidence in the integrity and impartiality of the investigation. Occasionally, inclusion of a member of the Team in an investigation may detract from that confidence.
 - b. A conflict can arise on an individual and agency basis.
 - c. A member of the Team will be conflicted off an investigation if:
 - i. They are an involved officer.
 - ii. They are a witness officer.
 - iii. Their inclusion in the investigation would significantly harm public confidence in the integrity and impartiality of the investigation.
 - d. The fact that a member of the Team is employed by the same agency as an involved officer is not sufficient on its own to conflict that member off the investigation. Additional factors to consider include but are not limited to: a supervisor/supervisee relationship or a close personal or professional relationship. In no event, however, will the lead investigator be employed by the same agency as an involved officer.
 - e. Any individual, including the liaison officer or additional investigative personnel, who meet the above criteria will also be conflicted off the investigation.

Section II: Supervising Sergeant Responsibilities

1. The Supervising Sergeant is responsible for coordinating the investigation and making assignments to investigators.
2. The Supervising Sergeant is responsible for assigning a lead investigator to the case. The lead investigator shall not be from the involved officer’s agency.

3. The Supervising Sergeant is responsible for ensuring that the investigation complies with the terms of this Memorandum, Lane County Deadly Physical Force Plan, and the IDFIT Standard Operating Procedures.
4. The Supervising Sergeant is responsible for briefing the administration of the involved officer's agency and the District Attorney and for keeping them apprised of the progress of the investigation.
5. The Supervising Sergeant is responsible for ensuring a comprehensive investigation and presenting the results thereof to the District Attorney.
6. The Supervising Sergeant is responsible for briefing persons responsible for the administrative investigation and, if appropriate, allow the administrative investigators access to the crime scene for the purposes of familiarization.
7. The Supervising Sergeant is responsible for notifying the Medical Examiner in the event of a use of deadly physical force incident resulting in a death.
8. At the conclusion of the investigation, the Supervising Sergeant is responsible for ensuring that a casebook or other compilation of evidence is prepared and delivered to the District Attorney for review.
9. The Supervising Sergeant is responsible for establishing minimum training requirements and ensuring compliance with those requirements by Team Members.

Section III: Member Agency Responsibilities

1. Individual Team members remain responsible to respective agencies for conduct, performance, and activities while assigned to the Team.
2. Member agencies are responsible for all expenses associated with the assignment of an investigator to the Team, including education and training.
3. When an incident involving the use of deadly physical force by an officer results in death or serious physical injury, the involved officer's agency is responsible for notifying the Supervising Sergeant and the District Attorney's Office of the incident.
4. The involved officer's agency shall inform the Supervising Sergeant and lead investigator of the identity of the investigator or other staff who will be conducting the administrative investigation, if any.
5. The Lane County Sheriff's Office shall be responsible for data entry (AIRS, LEDS, NCIC) regarding any incident investigated by the Team.

Section IV: Investigative Protocols

1. The investigation conducted by the Team will at all times have priority over any administrative investigation.
2. The Team has the responsibility for the collection and preservation of evidence at the scene. The Supervising Sergeant, in consultation with the District Attorney's Office, is authorized to make the decision on whether the crime scene services of the Oregon State Police, the Eugene Police Department, or any other agency will be deployed. The crime scene services of the involved officer's agency will not be utilized unless exigent circumstances exist. The crime scene services unit shall be responsible to the Supervising Sergeant and the lead investigator.
3. The Supervising Sergeant is also authorized to make the decision on which agency will be designated to take control of seized evidence. That agency will assign an appropriate person or persons to be designated as the evidence officer.
4. Upon arrival, the Team shall assume control of the incident scene. The Supervising Sergeant is authorized to call upon the resources of any agency to provide crime scene security. Access to the scene will be under the control of the Team. Appropriate records will be kept regarding persons who access the scene. No items will be removed from the scene without the permission of the Supervising Sergeant or lead investigator.
5. All original reports shall be submitted to the Supervising Sergeant for approval prior to formal submission to the investigator's agency. Copies of all reports will be provided to the Supervising Sergeant and lead investigator.
6. The Team will maintain a written compilation of standard operating procedures to act as a guide to Team investigations. Those standard operating procedures will be regularly reviewed and updated as required to ensure that the Team's investigations are conducted with integrity and thoroughness.

Section V: Training

1. The Supervising Sergeant is responsible for scheduling periodic meetings of the Team. The Team shall meet at a minimum of once each fiscal year.
2. Each agency which has an officer assigned to the Team is responsible for arranging training appropriate to the assignment of the officer to investigations involving the use of deadly physical force by law enforcement.

Section VI: Review

1. The parties to this memorandum shall jointly meet with the Lane County Deadly Force Planning Authority annually on the first Monday in February, or as otherwise needed, to review the operation of this memorandum and the Deadly Physical Force Plan.

I have reviewed this document and agree to the conditions contained therein. My signature confirms my agency's commitment to participation in the Interagency Deadly Force Investigations Team.

Christopher Phillips, Lieutenant
Oregon State Police

Date

Cliff Harrold, Sheriff
Lane County

Date

Chris Skinner, Chief
Eugene Police Department

Date

Andrew Shearer, Chief
Springfield Police Department

Date

Mark Waddell, Chief
Junction City Police Department

Date

Cory Chase, Chief
Cottage Grove Police Department

Date

John Pitcher, AIC
Florence Police Department

Date

Kevin Martin, Chief
Oakridge Police Department

Date

Larry Larson, Chief
Coburg Police Department

Date

Brian Dubray, Chief
Confederated Tribes of the CLU, and S,
Police Department

Date

Jason Wade, AIC
University of Oregon Police Department

Date