



DALLAS COUNTY  
CRIMINAL DISTRICT ATTORNEY'S OFFICE

PUBLIC INTEGRITY DIVISION  
CIVIL RIGHTS UNIT

## CRITICAL INCIDENTS PROTOCOL

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All Dallas County Law Enforcement Agencies have been advised that the Criminal District Attorney's Office will conduct an independent investigation of all officer involved shootings, security guard shootings, less lethal incidents, and any death in custody cases in this county. For purposes of this Protocol, these situations will be referenced as "critical incidents".

### 1. Definitions:

- a. **"Officer involved shooting"** includes any incident in which a peace officer acting within the scope of his/her duties with a law enforcement agency discharges a firearm at an individual, regardless of whether the individual is injured or not.
- b. **"Security guard shooting"** includes any incident in which a security guard acting within the scope of his/her duties discharges a firearm at an individual, regardless of whether the individual is injured or not.
- c. **"Less lethal incident"** includes any incident in which a peace officer or security guard acting within the scope of his/her duties with their respective agency deploys a device identified by law enforcement as a less-lethal device or a less-lethal device that is also defined as a firearm, against an individual that ***results in serious bodily injury or death*** to the individual.
- d. **"Death in custody"** applies when the deceased individual is (A) under custodial arrest by a peace officer, or (B) under the physical control or restraint of a peace officer.
- e. **"Concise History"** is a report generated by the Law Enforcement Agency of all sustained administrative violations (e.g. "Internal Affairs" sustained findings).

## **2. Law Enforcement Agency Requirements:**

- a. Notify as soon as possible the Criminal District Attorney's Office Chief of the Public Integrity Division, Travis Wiles **(972) 795-9599** or, if unavailable, Chief of the Civil Rights Unit, Patrick Capetillo **(214) 531-8794** of the following critical incidents:

**Officer involved shooting**  
**Security guard shooting**  
**Less lethal incident**  
**Death in Custody**

- b. The Law Enforcement Agency will provide 911 calls, body-worn camera videos, in-car videos, and any digital media to the Criminal District Attorney's Office no later than **12 hours** after the incident.
- c. The Law Enforcement Agency will submit their criminal investigation file to the Criminal District Attorney's Office within **45 days** from the date of the incident, unless specific reasons are provided to warrant a delay. Absent an agreement justifying a submission delay beyond 45 days from the incident date, subpoenas may be issued compelling production.

## **3. Criminal District Attorney's Office Requirements:**

- a. The decision to respond to a scene will be made by the Chief of the Public Integrity Division.
- b. The designated on-call investigator will be notified by the Chief of the Public Integrity Division of a critical incident.
- c. The on-call investigator will make every effort to respond to the scene within one hour of being notified by the Chief of the Public Integrity Division.
- d. The Chief of the Public Integrity Division or the Chief of the Civil Rights Unit will be available by phone if needed by the on-call investigator at the scene.
- e. After clearing the scene, the on-call investigator will log the incident in the Criminal District Attorney's Office database for callouts, a Public Integrity Case Number will be generated, and an investigative supplement will be prepared by the on-call investigator and placed into an electronic folder unique to the investigation.
- d. The on-call investigator will compose an email to the Criminal District Attorney's Office Administration summarizing the then-known facts to the investigator.
- e. The on-call investigator will make every effort to attend the autopsy of a decedent.

#### **4. Criminal District Attorney's Office Investigation:**

- a. The Chief of the Civil Rights Unit will assign investigations in the order in which they occurred. The assigned investigator will conduct an independent review of the Law Enforcement Agency's investigation and supplement the investigation as necessary. All investigations will be conducted in a uniform and consistent manner.
- b. The lead investigator will contact the injured person(s), representative of the decedent(s)'s family, and attorney of the involved officer. If requested, the Criminal District Attorney's Office will make the family aware of counseling and other resources available to them.
- c. After assignment, the lead investigator will request from the Law Enforcement Agency the officer's Concise History and will subpoena any relevant historical Internal Affairs files for review. The Criminal District Attorney's Office will request that the Law Enforcement Agency redact any *Garrity* protected content therein. Upon receipt, the lead investigator will have an investigator or prosecutor with no involvement in the matter excise any information protected by *Garrity* and return the remainder of the information to the lead investigator.
- d. The Law Enforcement Agency investigation and the Criminal District Attorney's Office investigation will be integrated into a final, single presentation of all known facts and evidence.
- e. The final presentation will be shared with the Law Enforcement Agency investigator(s) to ensure factual accuracy and completeness and to foster the transparent nature of the investigation for all individuals involved.

#### **5. Criminal District Attorney's Office Administration Briefing**

- a. The Criminal District Attorney's Office Administration will be fully briefed on the details and findings of the Criminal District Attorney's Office investigation prior to scheduling and presenting the investigation to the Grand Jury.
- b. The briefing will include the Elected Criminal District Attorney, First Assistant, Deputy Administrator, Division C, Chief of Public Integrity, Chief of Civil Rights, and lead investigator.
- c. Additional participants may be invited by the Administration.

#### **6. Grand Jury Presentment**

- a. All critical incident investigations will be presented to a Grand Jury for their independent consideration.
- b. The injured person(s) or a representative of the decedent(s)'s family will be notified of the Grand Jury date. Further, the lead investigator will coordinate with the family representative whether they will be on-site or off-site during the pendency of the presentation and how and to whom the Grand Jury's decision will be communicated.

- c. The lead prosecutor and lead investigator will identify every officer with relevant knowledge of the incident and, if needed, subpoena witnesses to testify at the Grand Jury presentation.
- d. The lead investigator will notify the attorney of the involved officer of the Grand Jury presentation date and afford him/her the privilege of testifying.
- e. All Grand Jury proceedings involving critical incidents, including the investigation summary and explanation of the applicable law presented by the Criminal District Attorney's Office, will be recorded by a court reporter.
- f. The lead prosecutor will make known all relevant and pertinent facts to the Grand Jury.
- g. If relevant, or the Grand Jury makes a request, the criminal history of the involved party and the Concise History of the involved officer will be made available.
- h. The lead prosecutor will not make a recommendation to the Grand Jury for a no bill or a true bill.
- i. When the Grand Jury reports out a decision, that decision will be received by the lead prosecutor and will be communicated to all relevant parties.
- j. If the investigation is no-billed, the Chief of the Public Integrity Division will order the investigation closed, prepare a no-bill letter to the investigating Law Enforcement Agency, and have the file archived.
- k. If the investigation is true-billed, the Chief of the Public Integrity Division will assign the case to a division prosecutor for prosecution.

## **7. General**

- a. The lead investigator will make every effort to complete the investigation and present it to the Grand Jury within 90 days of receipt from the Law Enforcement Agency, unless doing so would compromise the integrity of the investigation or otherwise be impracticable to do.
- b. No information about the investigation will be shared with any other personnel or any person within or outside this Office, unless authorized by the Chief of the Public Integrity Division or by Criminal District Attorney's Office Administration.
- c. In the event of a no-bill, the lead prosecutor and lead investigator may, if requested, meet with the injured person(s) or representative of the decedent(s)'s family to discuss the combined investigations and answer questions within the scope of the law and evidence.
- d. In no event will any part of either the Criminal District Attorney's Office investigation or the Law Enforcement Agency's investigation in the possession of the Criminal District Attorney's Office be turned over to any injured person(s) or representative of the decedent(s)'s family.
- e. This Critical Incident Protocol is the standard procedure in effect for all investigations. However, each investigation is different, and departure from the Protocol may be necessary based on an investigation's unique facts and circumstances.