

**MARIN COUNTY SHERIFF'S DEPARTMENT  
GENERAL ORDER**

**CHAPTER 4 - PERSONNEL  
GO 02-27  
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**DATE: November 13, 2018**

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**CRITICAL INCIDENT FATALITY**

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**PURPOSE**

It is important that all deputies and coroner investigators are free from any emotional or mental condition, which might adversely affect the exercise of their peace officer duties. It is the purpose of this policy to ensure that Sheriff's Office personnel who are vested with peace officer powers remain fit for duty and able to perform their job after being involved in an enforcement related critical incident that results in the death of another. Ensuring a member's ability to continue performing their job is essential, whether the enforcement action resulting in the death of another occurred when the member was on-duty or off.

**POLICY**

Any member whose actions, taken in an official capacity, result in the death of another will be temporarily removed from his/her regularly assigned duties by the Watch Commander, or by the member's Division Commander, and placed on paid administrative leave. This shall be done to ensure the wellbeing of the member and to allow for a timely investigation into the circumstances surrounding the death. The Sheriff will be promptly notified whenever any member has been removed from active duty subsequent to this type of event.

The types of critical incidents resulting in the death of another that shall result in a member's temporary relief from duty include, but are not limited to:

- Vehicle accidents
- Officer involved shootings
- Any application of force

Immediately after a critical incident fatality, or as soon as practical thereafter, the involved member(s) shall be ordered to provide a blood sample for alcohol and/or drug screening for any substances that could result in impairment. The Watch Commander or member's Division Commander will coordinate the collection of that blood sample by the on-call phlebotomist for the Marin County Jail. The sample will be tested for the presence of alcohol, opiates, cocaine, oxycodone, zolpidem, benzos, THC, soma, and methamphetamines, consistent with current DOJ impaired driver testing standards.

Absent consent from the member, the compelled sample and/or the results of any testing performed on that compelled sample, shall not be disclosed to any criminal investigation absent a Court order requiring such disclosure be made. However, those results shall be provided to, and become a permanent part of, any internal investigation initiated for the purpose of determining the appropriateness of the member's actions, although the protective provisions of Penal Code section 832.7 shall then apply.

To insure the member is not suffering from any emotional or mental condition that would warrant continued leave, the member shall undergo a comprehensive psychological examination, conducted by a licensed clinical psychologist of the Sheriff's Office choosing, to determine the member's psychological suitability to return to work. The Professional Standards Unit Lieutenant, or his /her designee will schedule that examination, and the date, time, and location of the examination will be provided to the involved member.

The interview with the psychologist is considered privileged and shall not be disclosed to the department, except to the extent the member is, or is not fit for return to duty. However, if the member places his/her emotional or mental condition at issue in any subsequent or related administrative action/grievance, the examining psychologist may be required to disclose any and all information which is relevant to such proceedings (Civil Code 56.10(c)(8)).

In order to facilitate the described examination, the Sheriff's Office will provide all appropriate documents and available information to assist the treating psychologist in his/her evaluation and/or treatment of the member.

Any reports received from the treating psychologist shall become part of the member's confidential medical file.

Any member ordered to receive a psychological examination in order to determine their suitability to return to work shall comply with the terms of the order and cooperate fully with the examining psychologist regarding any clinical interview, tests administered, or other procedures as directed.

Once a member has been deemed fit for duty by the examining psychologist, the member will be notified to resume his/her duties as soon as practical, unless other circumstances suggest additional paid administrative leave is necessary and/or appropriate.

**RELATED STANDARDS**

None

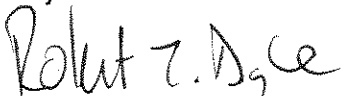
**AFFECTED DIVISIONS**

All

**DATE REVISED**

None

By order of



ROBERT T. DOYLE  
SHERIFF-CORONER