



CONTRA COSTA COUNTY OFFICE OF THE SHERIFF
DAVID O. LIVINGSTON
SHERIFF - CORONER

July 11, 2023

Ms. Cynthia Roberts, Foreperson
2022-2023 Civil Grand Jury
P.O. Box 431
Martinez, CA 94553-0091

VIA EMAIL AND US MAIL

**RE: Response to Report No. 2304, Investigating Deaths Involving Law Enforcement -
Expanding Transparency and Reducing Delays**

Dear Ms. Roberts:

In response to your letter to me dated June 2, 2023, wherein you submitted findings and recommendations regarding Investigating Deaths Involving Law Enforcement-Expanding Transparency and Reducing Delays, please refer to the below responses:

Findings

2A- The Coroner's Office takes too long to conduct Coroner's inquests.

Response: Disagree

The Office of the Sheriff will typically complete a Coroner's Inquest within thirty to sixty days, depending on the availability of witnesses, a courtroom, a court reporter, and a hearing officer. The thirty to sixty-day time frame would start upon receipt of all completed investigative reports.

2B- The Coroner's Inquest provides transparency.

Response: Agree

2C- The public notification of Coroner's Inquests and accessibility to inquest hearing transcripts is inadequate.

Response: Partially Disagree

Before the inquest, the Office of the Sheriff Public Information Officer (PIO) completes a

Coroner's Inquest Advisory that includes location, date, and time. The Office of the Sheriff PIO distributes the Coroner's Inquest Advisory to approximately seventy Bay Area media representatives. The Coroner's Inquest Advisory is distributed to the County Administrator's Office, County Supervisors and their staff, the County PIO, and the DA's Office PIO. The Office of the Sheriff website provides instructions on how members of the public can request records through the Records and I.D. Unit. To improve accessibility, the Office of the Sheriff will consider adding instructions to request Coroner's reports and Coroner's Inquest transcripts to the Coroner's Division link on the Office of the Sheriff website.

3A- The Protocol has not been updated since 2014.

Response: Agree

3B- Since 2014, there have been changes in state law, including, but not limited to, Government Code sections 7286(b) (requiring that agencies adopt policies that include immediate reporting of excessive force, separate reporting to the Department of Justice, and other procedures) and 7286.5 (transport restrictions), and Penal Code 832.5 (retention of certain records), 832.7 (providing that certain factual information is not privileged), and 832.13 (requiring immediate reporting of all uses of force), and new policies in the offices of the DA and Sheriff.

Response: Agree

Recommendations:

R2A) For fatal incidents in which a member of a law enforcement agency is involved, the Sheriff-Coroner should consider completing the Coroner's Inquest within four months of the incident but no later than six months.

Response: The recommendation will not be implemented because it is not reasonable. After receiving all completed investigative reports, the Office of the Sheriff will typically complete a Coroner's Inquest within thirty to sixty days, depending on the availability of witnesses, a courtroom, a court reporter, and a hearing officer. Unfortunately, the Office of the Sheriff cannot enforce the completion of investigative reports from other law enforcement agencies. Unless law enforcement agencies complete and send copies of their investigative reports within sixty to ninety days of the incident, the Office of the Sheriff cannot guarantee that the Coroner's Inquest will be completed within four to six months.

R2B) The Sheriff-Coroner should consider providing advance notice to the public of all upcoming Coroner's Inquests, including location, date, and time.

Response: The recommendation has been implemented. Before an inquest, the Office of the Sheriff Public Information Officer (PIO) completes a Coroner's Inquest Advisory that includes location, date, and time. The Office of the Sheriff PIO distributes the Coroner's Inquest Advisory to approximately seventy Bay Area media representatives. The Coroner's Inquest Advisory is

distributed to the County Administrator's Office, County Supervisors and their staff, the county PIO, and the DA's Office PIO. The Coroner's Inquest Advisory press release will be posted on the Office of the Sheriff's website before the inquest.

R2C) The Sheriff-Coroner should consider posting press releases concerning all upcoming Coroner's Inquests on the Sheriff website.

Response: The recommendation has been implemented. A Coroner's Inquest Advisory that includes the location, date, and time will be posted on the Office of the Sheriff website before the inquest.

R3) The parties to the 2014 Protocol should consider updating the Protocol to ensure that it is in compliance with current state law, the procedures identified in the DA's LEIFI Policy, and any applicable changes in the Sheriff's LEIFI Policy. This should include updating the checklists that are part of the Protocol.

Response: The recommendation has been implemented. The Contra Costa County Police Chiefs' Association is actively considering changes to the Law Enforcement Involved Fatal Incident Protocol, last modified in 2014.

Please let me know if my staff or I can be of any further assistance.

Sincerely,



DAVID O. LIVINGSTON
Sheriff-Coroner

DOL:sl