

KLAMATH COUNTY Major Crime Team

INTER-AGENCY INVESTIGATIVE PROTOCOL

The investigations of major crimes are time and labor intensive. Because the likelihood of apprehending perpetrators of major crimes is directly related to the quality of the initial investigation, it is essential that such crimes be adequately and fully investigated from the time of the first report.

Law enforcement experience has documented the fact that a well-trained criminal investigation team, coordinated and properly equipped, can be a tremendous advantage in effectively investigating major crimes. This major crime team concept facilitates the proper recovery of evidence for analysis and subsequent presentation in court for testimony.

Specialized investigative teams are especially valuable when large, multiple or complex crime scenes are encountered. These teams are valuable tools when investigating homicides, rapes and other high profile major crimes, including traffic fatalities.

The relatively small size of individual agencies within Klamath County, and the fiscal restraints under which they operate, have meant that agencies faced with major crimes have encountered resource problems in these investigations. At the present time, no agency in the county has the ability to assign more than a few investigators to such crimes without diverting significant resources from pending investigations or patrol duties.

The implementation of a major crime team can insure that a comprehensive and complete investigation will be conducted in a professional manner. It also facilitates any evidence gathered from such investigations that meet the rigorous standards necessary for the admissibility of evidence in a court of law.

This protocol does not supersede individual departmental policies. However, participating agencies will endeavor to support this protocol concurrently with their individual policies.

This protocol is presented to further enhance the organizational structure of the Klamath County Major Crime Team (MCT).

The following agencies are represented in this protocol:

**Klamath County Community Corrections
Klamath County District Attorney's Office
Klamath County Sheriff's Office
Klamath Falls Police Department
Malin Police Department
Merrill Police Department
Oregon State Police**

I. PURPOSE

The purpose of this Inter-agency Investigative Protocol is to provide guidelines, training, specific policies and procedures primarily for the inter-agency investigation of homicides and traffic fatalities by the Major Crime Team.

The Major Crime Team is available, on a case-by-case basis, for other major crime investigations that require the specialized skills of a major crime team, with the joint agreement of the supervisor/administrator of all participating agencies.

This protocol will serve to enhance the jurisdictional cooperation, and the investigative credibility in all of the respective communities through the establishment of defined guidelines, which would be implemented by the Major Crime Team.

II. DEFINITIONS

Homicide: Homicide relates to "Criminal Homicide" as defined in the Oregon Criminal Code (ORS: 163.005 Criminal Homicide):

- (1) A person commits criminal homicide if, without justification or excuse, the person intentionally, knowingly, recklessly or with criminal negligence causes the death of another human being.
- (2) "Criminal homicide" is murder, manslaughter or criminally negligent homicide.
- (3) "Human being" means a person who has been born and was alive at the time of the criminal act.

Police Employee: This protocol applies to sworn employees and to certain other people affiliated with the law enforcement agencies that are members of this agreement, as follows:

1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and while acting for a law enforcement purpose at the time of the incident.
2. Full-time non-sworn employees who are on-duty at the time of the incident or who are acting either actually or purportedly for a law enforcement purpose at the time of the incident.
3. Community corrections officers, correctional officers, reserve law enforcement officers, evidence technicians, crime lab personnel, and emergency medical technicians (EMT's) or doctors assigned to a law enforcement tactical team who are on-duty or who are acting either actually or purportedly for a law enforcement purpose at the time of the incident.
4. District Attorney's investigators who are on-duty or who are acting either actually or purportedly for a law enforcement purpose at the time of the incident.

Proximate Cause: A cause, which in a natural and continuous sequence produces the fatal injury or criminal act, and without which cause the injury or the criminal act would not have occurred.

Involved Person:

1. A person whose act is the "proximate cause" of a fatal injury to another person; or
2. A person who intends that their act be a "proximate cause" of serious bodily injury or death to another person, who is actually killed by another; or
3. A person whose act is the proximate cause of the criminal act.

Victim: The person who is injured by the act of the INVOLVED PERSON, whether or not intentionally. When used in this protocol, this word does not imply existence of criminality; it is used simply to designate the person who is physically injured.

Fatal or Serious Physical Injury: Death, or an injury so severe that death is likely to result.

Venue Agency: If a MCT incident occurs within the corporate boundaries of the City of Klamath Falls, then the Klamath Falls Police Department is the venue agency. If a MCT incident occurs within Klamath County and is outside the corporate boundaries of the City of Klamath Falls, then the Klamath County Sheriff's Office and Oregon State Police may alternate as the primary venue agency.

Employer Agency: The agency by which the involved police employee is employed or with which he/she is affiliated. In many cases the Venue Agency will also be the Employer Agency.

Major Crime Team: Those detectives or traffic investigators who are current members of the existing Major Crime Team and/or their designated alternates. One or more teams may be assigned to conduct the criminal investigation.

The Major Crime Team includes assigned members of the Incident Reconstruction Team.

MCT Member Agency: The law enforcement agencies in Klamath County who have joined as signatories to this protocol agreement.

Command Post: A location from which a Major Crime Team investigation is supervised, directed and coordinated. The Command Post may be at a predetermined location, or at any other mobile or remote location from which an entire investigation can be overseen, and to where all gathered information is reported.

III. MAJOR CRIME TEAM COMPOSITION

- A. The Major crime Team will be composed of personnel selected from the participating law enforcement agencies. Each jurisdiction shall have at least two primary team members and such alternate team members assigned to the Major Crime Team as it may designate.
- B. The Major Crime Team shall consist of police investigative personnel selected by each jurisdiction, including District Attorney's investigators, with all team members being approved by the District Attorney's Office.
- C. Alternate team members shall be called out if a primary team member is not available, or if the need for additional police investigators is deemed necessary by the primary case investigators. Alternate team investigators may also be called out, on the approval of the Venue Agency, for additional investigative experience and training.

Alternate team investigators shall be police investigators or experienced officers as needed with a background in investigations.

During an investigation any Major Crime Team member, Oregon State Police Crime Detection Laboratory personnel, and/or Evidence Technicians from a MCT Member Agency may collect, mark and secure evidence upon the approval of the Venue Agency.

- 1. Alternate team members called out due to an absence of the primary team member shall remain as a team member throughout the course of the investigation.
- D. Every death investigation shall be under the specific authority of the Klamath County District Attorney or his designee.
- E. Major Crime Team Members shall act under the leadership of the designated investigative supervisor of the Venue Agency, or the lead investigator of the Venue Agency as assigned by a supervisor of that agency.

The designated investigative supervisor or lead investigator is responsible to the Venue Agency for the progression of the investigation.

A designated supervisor or investigator from any agency may be assigned the lead investigator role upon request and/or approval of the Venue Agency and the District Attorney's Office.

Investigative supervisors from each MCT Member Agency or a MCT designee will assist the designated supervisor or lead investigator of the Venue Agency at a Command Post. MCT investigative supervisors, other than the designated supervisor or lead investigator of the Venue Agency, may be assigned to

supervise specific crime scene investigations or interrogations away from the Command Post.

A representative from the Klamath County District Attorney's Office and Klamath County Community Corrections shall also be present and assist at the Command Post whenever possible. If for any reason their immediate presence is no longer necessary or either agency is unable to actively assist at the Command Post, a representative member of each agency should be available for immediate contact if necessary.

In the event a MCT supervisor, or any other supervisor or representative from another agency, is assigned to "assist" (not supervise) with a particular part of the investigation, the assigned investigator in charge of that specific detail shall assume a leadership role as authorized by the designated supervisor or lead investigator. That temporary leadership role will entitle the investigator in charge to supervise and make assignments as necessary to other MCT members regardless of whether that investigator is subordinate in rank to others assisting.

1. The MCT designated supervisor and/or lead investigator is responsible for coordinating the investigation, insuring the collection of evidence and assigning the follow up leads to other investigators assigned to the investigation.
 2. The MCT designated supervisor and/or lead investigator is responsible for briefing the head of the Venue Agency (or his/her designee) of the status of the investigation. The Venue Agency representative shall in turn keep the Venue Agency command personnel apprised of the case status, the needs of the investigative personnel and the duration of manpower for the investigation.
 3. The MCT designated supervisor and/or lead investigator is responsible for briefing designated representatives of the District Attorney's Office as to the status of case investigation.
 4. The MCT designated supervisor and/or lead investigator shall ensure that a comprehensive investigation is conducted and all respective reports are submitted in an organized and timely manner to the District Attorney's Office for case review and prosecution consideration. It is agreed that forms used will be those of the Venue Agency, or those forms commonly used by the participating MCT Member Agency on approval of the Venue Agency.
- F. Individual Major Crime Team members are accountable to their respective agency administration for conduct, performance, and activities as law enforcement officers during the duration of any assigned investigation.
- G. Each law enforcement agency shall be responsible for all expenses incurred by their own members, and only those members, throughout the course of the investigation.

- H. The Major Crime Team shall respond to:
1. All Homicides (within the defined jurisdictions of Klamath County).
 2. All deaths requiring criminal investigation.
 3. Police Employee use of deadly force incidents meeting protocol standards.
 4. Other "protocol cases" that are characterized as major crimes requiring the expertise of a major crime team for investigation. These "protocol cases" may include by are not limited to:
 - (a) Serious and/or Serial Felony Crimes: to include, but not limited to, Rapes and other Sex Crimes
 - (b) Kidnap First Degree
 - (c) Other high profile/complex cases
 - (d) Vehicular Death and Serious Physical Injury
- I. The Major Crime Team shall use the services of the Oregon State Police Crime Detection Laboratory, and/or Evidence Technicians from a MCT Member Agency when appropriate.
- J. All Major Crime Team Members shall have recurrent training available. All team members are expected to attend training sessions to increase their individual and team investigative skills commensurate with the duties and responsibilities listed in this protocol.
- K. Each agency recognizes the importance of making available previously assigned investigators if a once closed case opens in the future.

IV. SELECTION OF PRIMARY / ALTERNATE INVESTIGATORS

Selection of primary and alternate investigators to be assigned to the Major Crime Team is of extreme importance. These qualifications should include:

- A. Experience in homicide investigations. Investigative experience in other crimes against persons is essential.
- B. Ability to effectively interview people of various backgrounds.
- C. Good working knowledge of physical evidence, its collection and preservation techniques, and an appreciation of the abilities and limitations of scientific/forensic evidence.
- D. Good knowledge of police operational procedures and the criminal justice system.
- E. Excellent report writing and communication skills.
- F. Good organizational and supervisory skills.
- G. Respected professionally by those with whom he/she works, and being competent, thorough, objective, fair and honest.

- H. Being a self-motivated individual who is able to work as a "team player" under adverse conditions and conduct a comprehensive investigation to completion.

V. INVOCATION OF THIS PROTOCOL

- A. **Automatic and Immediate:** Upon the occurrence of a Homicide or other qualified criminal investigation (as defined within this protocol) this Protocol is automatically effective immediately upon the occurrence.
- B. **Optional:** Each Member Agency of this agreement, when in the capacity of Venue Agency or Employer Agency, may itself invoke this Protocol upon the occurrence of any sensitive or critical event involving a police employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.
1. The District Attorney has discretion to decline participation in optional invocations. In the event the District Attorney has declined participation, a routine criminal investigation will be conducted and respective reports will be submitted to the District Attorney's Office through normal channels.
 2. Nothing in this Protocol restricts any involved agency from investigating the matter by its own agency or from the aid of another agency, without the activation of the Major Crime Team.

VI. INVESTIGATIVE AGENCIES, FORMATS, AND RESPONSIBILITIES

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any incident, investigations of these matters must be performed under two separate investigative formats:

- (a) CRIMINAL INVESTIGATIONS
- (b) ADMINISTRATIVE INVESTIGATIONS.

This protocol is specifically designed to provide defined guidelines for implementing and conducting a comprehensive Criminal Investigation. Any subsequent Administrative Investigation deemed to be appropriate will be the responsibility of the Venue Agency and therefore will not be addressed in this protocol.

A. THE CRIMINAL INVESTIGATION

1. The Criminal Investigation has absolute investigative priority over any Administrative Investigation, and it begins immediately after an incident has occurred.
2. The Criminal Investigation is to be performed by members of the Major Crime Team. The participating agencies are equal within the investigation, but the Venue Agency has the ultimate authority to decide irreconcilable investigative issues.

3. The investigative objective is to develop all relevant information pertaining to the incident. This information will be utilized in two ways:
 - a. To ascertain the presence or absence of criminal liability on the part of all individuals involved in the incident. Specifically:
 1. To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
 2. If criminal conduct does exist, determine the identity of the person(s) responsible for the conduct; and
 3. If criminal conduct does exist, determine the degree of the crime(s); the existence of any factual or legal defense to that crime; and to determine the presence or absence of any factors which would mitigate or aggravate punishment for that crime.
 - b. To incidentally provide factual information to the Employer Agency's management for its internal use. (While the Criminal Investigators do not direct their investigative attention to the Administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to Agency Management for its internal use and those results are fully available for that purpose.)
4. The investigation is required to follow the rules of law that apply to all criminal proceedings including constitutional, statutory and case law.
5. It is performed in a manner that provides a thorough, fair, complete and professional investigation, which is free of conflicts of interest.
6. Members of the Major Crime Team may be divided into one or more teams depending upon the complexity of the incident. Investigators from the MCT Venue Agency will be part of the investigative team.
7. Venue Determination:
 - a. If a MCT incident occurs within the corporate boundaries of the City of Klamath Falls, then the Klamath Falls Police Department is the venue agency.
 - b. If a MCT incident occurs within Klamath County and is outside the City of Klamath Falls corporate boundaries, then the Klamath County Sheriff's Office and Oregon State Police may alternate as the primary venue agency.
However, this does not prohibit the District Attorney from reassigning the primary agency of venue in accordance with the provisions outlined in subsection 8 of this section. A supervisor or investigator from any agency may also be assigned the designated supervisor or lead investigator role upon request and/or approval of the Venue Agency and the District Attorney's Office.
 - c. When an incident occurs in one or more jurisdictions, each of those jurisdictions is a Venue Agency.
 - d. When an incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute, the Venue Agency shall be:
 1. The Employer Agency if the Actor is employed by either of the boundary agencies.

2. Both boundary agencies if Actors are employed by both.
 3. The agency which has the greater interest in the case by virtue of having the predominant police involvement in the incident or by virtue of having had the majority of acts leading up to the termination of the incident.
8. When a Venue Agency or Employer Agency lacks sufficient resources or when it believes it cannot properly investigate an Incident for any other reason, it has three options:
- a. Activate the Protocol for the Major Crime Team to investigate the Incident.
 - b. Obtain criminal investigative assistance from other MCT Member Agencies. Borrowed officers would then be assigned to the criminal investigation as members of the requesting agency.
 - c. Relinquish the criminal investigative responsibility to another MCT Member Agency or to the Oregon Department of Justice.

VII. RESPONSIBILITIES OF VENUE AGENCY

- A. In all investigations regarding the activation of the Major Crime Team, the Venue Agency shall immediately notify the Klamath County District Attorney or designee, advising them of the request for activation of the Major Crime Team.
- B. The Venue Agency shall immediately notify their designated supervisor (or his representative) advising them of the request for activation of the Major Crime Team. The investigative supervisor shall also be immediately notified and will be responsible for insuring the appropriate team members or alternates respond to implement the case investigation.
- C. The Venue Agency will notify the communication center and advise them of the activation of the Major Crime Team. The communication center can also be utilized to notify the appropriate Major Crime Team members at the Venue Agency supervisor's discretion.
- D. The Venue Agency shall be responsible for security and preservation of the crime scene; and
 1. The crime scene shall be released to the Major Crime Team Venue Agency or designee assigned to that specific investigation, upon their arrival.
 2. Provide all assistance and additional crime scene security as requested by Major Crime Team members assigned to that specific investigation.
- E. Responsibility for Collection of Physical Evidence

The Major Crime Team has the responsibility for the collection and preservation of physical evidence collected at the scene. MCT members may utilize the services

of the Oregon State Police Crime Detection Laboratory for the collection, preservation, and analysis of forensic evidence.

Evidence Technicians from a MCT Member Agency may also collect, mark, log and secure evidence upon the approval of the Venue Agency.

Appropriate safety measures will be observed, i.e., unloading the firearm before transport.

1. Every effort shall be made to preserve the integrity of any physical evidence at the scene. The scene must be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence and protect material evidence or facts from becoming public knowledge that could compromise an investigation. An inner perimeter (evidence) and an outer (control) perimeter are preferable.
2. Anyone entering the inner perimeter of a crime scene should wear clean disposable booties over their shoes and gloves on their hands to prevent scene contamination.
3. The Major Crime Team may designate an officer from the Venue Agency, an Evidence Technician, or other designee to serve as the Evidence Officer. The designated Evidence Officer shall be responsible for the collection of evidence, at the direction of the designated supervisor, a lead investigator or an investigator in charge of a specific investigation. The Evidence Officer shall collect, mark, log and preserve articles of evidence identified by members of the Major Crime Team and established property control procedures of the Venue Agency.
4. In those investigations that require the services of the Oregon State Police Crime Detection Laboratory, to process a crime scene, they shall be responsible for the documentation, collection, analysis and preservation of all forensic evidence that they collect.
5. Access to the scene must be limited to ONLY those officials who have specific investigative responsibilities inside the scene. The designated supervisor, lead investigator, or their designee has absolute authority to authorize or deny individual access into the crime scene area.
6. The first responding officers of the Venue Agency shall establish a written log. This log will serve to identify all persons entering the crime scene, the time of their entry and exit, and the specific investigative responsibility for their entry. All persons who enter the crime scene are required to submit an official police report detailing their specific activities within the scene.
7. The designated supervisor, lead investigator, or their designee shall have absolute responsibility and control over the crime scene. No items shall be removed or altered inside the scene without the specific approval of the Major Crime Team. The only exception to this policy would be if it were absolutely necessary for public safety or for the preservation of the evidence itself. If removal is absolutely necessary without team approval, the removal must be witnessed and logged. The log shall state the identity of the person removing the evidence, a witness to the removal and the time

of removal. If at all possible the article shall be measured and photographed before removal.

8. If any type of firearm, weapon or instrument was involved in a fatal incident, the responding Venue Agency designated supervisor, lead investigator, or their designee shall promptly see to the security and/or collection of such items as follows:
 - a. If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
 - b. If the area is not secure, the Venue Agency officer in charge at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved for officer safety, public safety or for the preservation of the evidence itself, the item should be photographed in place prior to removal if possible. A reference mark should be made where the weapon/instrument was located.
 - c. If a police employee still has personal possession of a weapon he/she used in the incident, the Venue Agency designated supervisor, lead investigator, or their designee at the scene shall promptly but discretely (i.e., private, out of view of the public and other police employees if possible) obtain possession of the weapon. Sidearms must not be removed from their holsters; obtain the entire gun-belt if necessary to avoid removing the weapon from its holster. The Venue Agency designated supervisor, lead investigator or their designee should immediately replace a police employee's sidearm as quickly as possible, unless reason dictates otherwise.
 - d. It is preferable in shooting incidents for the Venue Agency designated supervisor, lead investigator, or designee to collect and/or inspect the firearms of all police employees who were present at the time of the incident to ensure that all discharged firearms are identified and collected. Holsters should also be checked to identify if the retention devices are secured or unsecured, and/or functioning properly. If the number of police employees present at the time of the shooting is prohibitive, then the designated supervisor, lead investigator, or their designee shall inspect those firearms allegedly not fired during the incident to specifically document those weapons which were not fired, noting their condition upon such inspection.
 - e. The Venue Agency designated supervisor, lead detective, or their designee collecting any weapon or instrument shall make detailed notes of its readily visible general description and condition, the appearance, and the location of any visible trace evidence adhering to it. These observations may be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer, and the identity of the person or location from which the weapon or instrument was received, shall also be recorded.
 1. In firearms cases, the Venue Agency designated supervisor, lead investigator, or their designee will also make note of

whether the firearm is cocked, has its safety "on" or "off", has its hammer back, any apparent jamming of either fired or unfired ammunition (i.e. full or partially inserted, completely separate from the firearm, missing, etc.) to the extent possible without removal of the weapon from its holster.

- (a). If the mechanism of the firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
 - (b). If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not) the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered if necessary, but specific notation must be made of this fact.
2. Any police employee receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence, and shall otherwise maintain the chain of evidence.
 3. Otherwise, weapons and instruments will NOT be disturbed in any way. They shall not be handled by anyone other than the Venue Agency designated supervisor, lead investigator, or their designee, and that police employee shall handle them minimally to preserve the exact state of the weapon or instrument when received.
- f. The collected weapons or instruments shall be transferred to Major Crime Team investigators upon their arrival, along with information relevant to the weapons as detailed in section VII.
 - g. If the Venue Agency designated supervisor, lead investigator, or their designee at the scene was involved as a PARTICIPANT or VICTIM in the incident, the responsibility for security and collection of weapons shall rest with an uninvolved supervisor or the next-in-line uninvolved officer at the scene.
 - h. Additional ammunition (live) will be collected from each Actor/Victim police employee by members by the Major Crime Team or other appropriate source in order to facilitate ballistic testing regarding firearms involved in this incident.
 - i. Firearms that do not need to be retained in evidence, as determined by the designated supervisor, lead detective or their designee will be returned to a designated representative of the Employer Agency promptly after testing has been completed. Investigators should appreciate the importance of the prompt return of a police employee's firearm, and every effort will be made to accomplish this as soon as possible.

VIII. POLICE EMPLOYEE INVOLVED MAJOR INCIDENTS / INJURIES

Incidents occurring in Klamath County involving two or more individuals, in which a police employee is involved as a Victim or Involved Person, where a "Fatal Injury" or serious physical injury occurs. Such protocol cases may include but are not limited to the following:

1. Police Employee Involved Shootings / Use of Deadly Force / Major Incidents / Injury

Incidents may include situations in which a police employee is a Victim or Involved Person and where death or physical injury occurs.

The investigation of all police employee use of deadly force incidents shall include outside agency involvement by at least one police officer from a different law enforcement agency than the involved police employee(s). Refer to related document; "Klamath County Use of Deadly Physical Force Planning Authority."

A designated supervisor or lead detective from a different MCT member agency than the involved police employee(s) shall be assigned as the primary investigator of the incident, regardless of the venue of jurisdiction.

A representative from the same agency as the involved police employee(s) shall assist the designated supervisor or lead investigator by providing information regarding the involved agency's policies and procedures, common practices or protocols of that agency, keeping command personnel apprised of the case status, and providing for the emotional and physical well being of the involved police employee(s) as appropriate.

Such "incidents" include but are not limited to:

- (a). Intentional and accidental shootings, including police tactical incidents involving specialized police tactical response teams (SWAT/SRT).
- (b). Intentional and accidental use of any other dangerous or deadly weapon, to include a vehicle.
- (c). Felony assaults or threats of death upon a police employee or member of his/her family, or felony assaults on other law enforcement employees who are on duty or are acting for a law enforcement purpose.
- (d). Felony assaults or threats of death upon the Klamath County District Attorney, Klamath County Deputy District Attorneys, Klamath County District Attorney Investigators, and police employees who are on duty or acting for an official law enforcement purpose.

Upon identifying an occurrence of a police employee involved fatal incident or serious injury incident, the Venue Agency shall make the same notifications for the activation of the Major Crime Team as previously provided in this Protocol.

The involved person's employer agency should assign a companion officer to accompany the involved person as soon as is reasonably practical in accordance with the policies and procedures of the employer agency.

A. Injured Police Employee / Witness

1. The Venue Agency, whenever feasible, shall provide an officer to accompany any critically injured police employee, witness, victim, suspect, or involved person to the hospital, for the purpose of documenting any statements made by that person(s). The officer will remain with the injured person(s) until relieved by a member of the Major Crime Team.

This officer shall:

- (a). Locate, preserve, safeguard and maintain the chain of physical evidence that becomes available to him/her.
- (b). Obtain a dying declaration, spontaneous statement, statement of then-existing or previous mental or physical state.
- (c). Maintain custody of the person if he/she has been arrested.
- (d). Provide information to medical personnel about the incident as relevant to treatment. Obtain information from medical personnel relevant to the investigation.

B. Reports

1. The Venue Agency shall insure that all appropriate reports are made and distributed in a timely manner to the designated supervisor or lead investigator assigned to the Major Crime Team, to facilitate the investigation.
2. The Venue Agency shall also insure that appropriate distribution of agency reports is made in an organized and timely manner to the District Attorney's Office, Medical Examiner's Office, Crime Detection Laboratory, Identification Bureau, Juvenile Department, and Department of Human Services as required.
3. The Major Crime Team designated supervisor or lead investigator shall be responsible for insuring timely completion of all case reports and submission of evidence.
4. The Major Crime Team designated supervisor or lead investigator shall be responsible for providing the District Attorney's Office with an organized, comprehensive case file(s) upon completion of the investigation. The case file will include a complete criminal history and background of the involved person.
5. The Venue Agency shall be responsible for all photographs outside the scope of the crime laboratory. They shall arrange, through the designated

supervisor or lead investigator, for at least two (2) copies of photographs whenever possible.

IX. DISCRETION

- A. Discretion and the ability to adapt to changing situations in dynamic and/or complex investigations are valuable investigative traits. Investigators must rely on their training and experience to appropriately address and overcome investigative obstacles.

X. ADMINISTRATIVE DUTIES

Administrative duties, such as interagency liaison, personnel and equipment logistics, notice of briefings/meetings, etc., shall be the responsibility of the Venue Agency who shall designate a supervisor/administrator or other person for these responsibilities.

XI. NEWS MEDIA RELATIONS

- A. The interests of the public's right to know what occurred must be balanced with the requirements to maintain the integrity of the criminal investigation, the identity of the involved persons, and the protection of the rights of the involved persons.
- B. It is essential that information being provided to the public come from only one source. This helps to maintain the integrity of information that could otherwise compromise the successful investigation and prosecution of persons who commit crimes.
- C. All press releases shall be the sole responsibility of only the District Attorney's Office.

XII. OUT OF AREA TRAVEL

All follow-up investigations, backgrounds and interviews requiring out of county or out of state travel will be conducted at the direction of the District Attorney's Office or designee, and the supervisor/administrator of the Venue Agency.

Expenses for Major Crime Team investigations are generally paid by the District Attorney's Office. However, police employee salaries and overtime are compensated by each individual agency. Additional costs that the District Attorney is not willing to absorb will be negotiable between MCT Member Agencies.

It shall be clearly understood that all expenses paid for by the District Attorney's Office be pre-approved by the District Attorney or designee prior to incurring any such costs.

Expenses incurred in violation of this Protocol are the responsibility of the agency for which the investigator is employed.

XIII. UNSOLVED CASES

In the event a MCT case remains unsolved, it is the responsibility of the Venue Agency supervisor and/or lead investigator to ensure that periodic case reviews are completed. This will enhance the discovery of new investigative leads that may arise over time for possible case resolution.

A. The following are suggested review procedures to be initiated by Venue Agency:

1. MCT review one month after date of crime.
2. MCT review three months after date of crime.
3. Six months after date of crime ensure that any DNA evidence is being routinely submitted in computer CODIS database for analysis.
4. Six months after date of crime ensure that any latent fingerprint evidence is being routinely submitted in computer AFIS database for analysis.
5. Six months after date of crime ensure that any latent fingerprint evidence is also submitted to FBI computer for analysis in separate database.
6. Outside jurisdiction MCT peer review one year after date of crime.
7. Ensure that CODIS and AFIS database queries are resubmitted at least every 12 months thereafter.

XIV. LIABILITY

The following provisions apply to any losses, damages, or liabilities arising out of the services and activities of the Klamath County Major Crime Team:

- A. Each member agency shall protect its personnel by workers compensation insurance that meets the requirements of Oregon Law.
- B. Each member agency shall maintain in full force and effect, adequate public liability and property damage insurance or self-insurance to cover any claims, which may arise by virtue of supporting services.
- C. Each party assumes sole responsibility for the torts of its own personnel and agrees to hold each other party to this agreement harmless from liability arising from the acts or omissions of personnel affiliated with such party, to the extent permitted by the Oregon Constitution and by the Oregon Tort Claim Act, ORS 30.260 to 30.300, and civil rights liability, 42 USC 1983.

Each jurisdiction contributing personnel to the Klamath County Major Crime Team shall continue that employee as an employee of the jurisdiction and shall be solely responsible for that employee.

Formatted: Font: 12 pt

Formatted: Justified

Formatted: Font: 12 pt

Formatted: Justified, Indent: Left: 0", Hanging: 0.5"

Formatted: Justified

Formatted: Font: 12 pt, Not Bold, No underline

AGENCY SUPERVISOR/ADMINISTRATOR

Deleted: ¶
¶

I have reviewed this document and am in agreement with its contents.
My signature below initiates my agency's support and participation in this endeavor
as a member of the Klamath County Major Crime Team as outlined in this document.

Steve Berger
Klamath County Community Corrections

Ed Caleb
Klamath County District Attorney

Sheriff Timothy M. Evinger
Klamath County Sheriff

Chief James Hunter
Klamath Falls Police Department

Lt. Steve Nork
Oregon State Police, Klamath Falls Office

As a representative of the Cities of Malin and Merrill
which are within Klamath County, my signature below verifies that I have
reviewed this document and am in agreement with its contents and accept the
use of the Klamath County Major Crime Team protocols in my respective jurisdiction.

City Marshal Ron Broussard
Malin Police Department

Sgt. Brian Bicknell
Merrill Police Department