

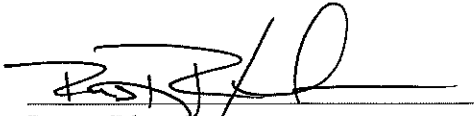
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, effective March 15, 2019, is entered into, by and between the Oklahoma Department of Corrections (DOC) and the Oklahoma Department of Public Safety (DPS), for and on behalf of its Oklahoma Highway Patrol Division (OHP), in furtherance of their respective duties under law for the purpose of facilitating criminal investigations of incidents as described hereafter. DOC and DPS agree as follows:

1. Any use of force incident that occurs outside of a DOC correction center, resulting from the intentional discharge of a firearm at a person by a DOC correctional officer, probation and parole officer, or fugitive apprehension and security threat group officer, and acting in the line of duty, shall initiate criminal investigative and forensic assistance by OHP within the following parameters.
2. After a use of force incident, as described in Paragraph 1, occurs, a ranking DOC member at the scene will ensure emergency medical services are provided to injured persons and that a crime scene perimeter is established with restricted access. Only emergency medical personnel, crime scene technicians, medical examiner personnel, District Attorney personnel, investigating OHP members and other law enforcement investigators assisting OHP will be permitted inside the crime scene perimeter. The ranking DOC member will ensure the OHP Communications Center in Oklahoma City is promptly contacted and requested to dispatch the Investigations Section (Troop Z) to initiate an investigation and to coordinate crime scene services at the scene. OHP will notify the appropriate District Attorney as soon as reasonably possible. In this paragraph, and throughout this document, "ranking DOC member" refers to the highest ranking DOC operational person who was not directly involved in the investigated use of force incident.
3. Pending arrival of Troop Z, the ranking DOC member will ensure the scene remains secured, the physical evidence and documentation is protected and preserved, and all law enforcement and citizen witnesses are identified and separated pending initial interview. If feasible, the ranking DOC member will ensure arrested persons at the scene are detained pending the arrival of Troop Z. The ranking DOC member will also coordinate with local law enforcement in any necessary crowd control efforts.
4. Upon notification from DOC that a line of duty use of force incident as described in Paragraph 1 has occurred, the appropriate OHP Duty Officer or designee will immediately initiate an investigation pursuant to OHP procedures governing Use of Force/Investigations Concerning the Use of Deadly or Other Force by a Law Enforcement Officer, which are incorporated herein by reference. OHP will promptly coordinate the dispatch of Troop Z with the appropriate crime scene people, medical examiner personnel, and district attorney personnel that are required.
5. OHP will assume operational direction of investigations, including criminal investigations, and forensic assistance or coordination initiated pursuant to this Memorandum of Understanding. OHP may request the assistance of DOC personnel or personnel from other law enforcement agencies.


6. DOC will retain overall direction and responsibility for any internal or administrative investigations of DOC personnel initiated in response to the occurrence of any of the enumerated predicate events. However, the parties agree the criminal investigative efforts take precedence over any internal or administrative investigations conducted by DOC. No internal report or statement authored or obtained by DOC personnel involved in the subject incident that has been provided to DOC under order or policy shall be provided, or its contents revealed, to the criminal investigative team or the prosecutor until such time as the criminal investigative team and the DPS Office of General Counsel agree the criminal investigation will not be adversely impacted by any potential for immunity that may attach to any such statement. The criminal investigative team and the DPS Office of General Counsel may consult with the prosecutor to determine whether such statement may adversely impact any subsequent criminal prosecution. However, the criminal investigative team and the DPS Office of General Counsel will make the final determination regarding the use of such statements in OHP's investigation.
 7. The parties agree DOC may issue initial press statements acknowledging an incident, reporting the status of the law enforcement officer(s) involved in the incident, and referral to the investigative process. At the appropriate stage(s) of an investigation initiated under this Memorandum of Understanding, OHP will forward copies of all investigative reports and investigative summaries to the appropriate Oklahoma District Attorney having jurisdiction over the case and to DOC for review. Transmittal of reports and summaries will be done so as to preserve any applicable exemptions from public disclosure and to maintain any confidentiality of information that may apply, subject to Oklahoma law. Any press release related to investigative activities and responses to public records requests shall be coordinated jointly by the involved agencies to assure that disclosure, if any, is appropriate and timely.
 8. OHP will submit all final reports to the appropriate Oklahoma District Attorney for review. OHP will report the material factual findings of the investigation, but will offer no recommendations or reach legal conclusions concerning whether the force used, if any, was justified.
 9. This Memorandum of Understanding represents the entire agreement between the parties on this subject matter. Any alteration or amendment of the provisions of this agreement shall be in writing, duly signed by authorized personnel of each of the parties and attached to the original of this agreement.
 10. This agreement shall become effective on the last date of execution by the parties and may be terminated upon a thirty (30) day notice by mutual agreement of the parties.
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Oklahoma Department of Public Safety

By: 
Rusty Rhoades
Commissioner

Date: 03-07-19

Oklahoma Department of Corrections

By: 
Joe Allbaugh
Director

Date: 3.7.19