

# Tragedy in Hughson

## December 2011

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Findings and Recommendations

January 2013



# In Memoriam

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Mary Ann Donahou  
Stanislaus County Sheriff's Department  
Crime Analyst Technician  
End of Watch  
December 30, 2011



## **Sheriff Christianson's Message**

*On December 30, 2011, Mary Ann Donahou, a Crime Analyst Technician for the Stanislaus County Sheriff's Department, responded to an off-hours call-out in Hughson, California. As she crossed the street to enter the crime scene, she was accidentally killed in a traffic collision.*

*As you review this report, remember that Mary Donahou was a shining example of what a Stanislaus County Sheriff Department's employee should be. She was brave and dedicated, competent and courageous, tenacious and tough, yet understanding and compassionate to anyone who needed a helping hand. She definitely made a difference in the lives of those who loved her, those she served, and those that she worked with. Her loss is a painful memory as she was a special person and a valuable team member.*

*This tragic accident reminds us that protecting and serving throughout our diverse communities presents the men and women in law enforcement with unique challenges and dangers. By examining this incident through independent assessment and transparent analysis, the Stanislaus County Sheriff's Department will determine how this occurred and what can be done to prevent future tragedies.*

*Sheriff Adam Christianson  
Stanislaus County Sheriff's Department*

## **Acknowledgements**

### **Law Enforcement**

Law enforcement personnel from the following local and state policing agencies are recognized and thanked for their response, investigative, and support efforts. Their individual and team efforts made a difference in the welfare of Mary's friends and loved ones, and the men and women of the Stanislaus County Sheriff's Department:

*California Highway Patrol, Central Division MAIT*

*California Highway Patrol, Modesto Area Office*

*Stanislaus County Sheriff's Department*

*Stanislaus County Sheriff's Department, Hughson Police Services*

*Stanislaus County Sheriff's Department, Waterford Police Services*

### **Community and Public Safety**

Sheriff Christianson and the men and women of the Stanislaus County Sheriff's Department were greatly moved by the efforts of their community policing and law enforcement partners. The following are acknowledged for their individual and team contributions:

*American Medical Response*

*Hughson Fire Protection District*

*Stanislaus County Community Members*

*Stanislaus County Community Organizations*

*Stanislaus County Deputy Sheriff's Association*

*Stanislaus County Employees Association, A.F.S.C.M.E.*

*Stanislaus County Reserve Deputy Sheriff's Association*

*Stanislaus County Sheriff's Air Support Association*

*Stanislaus County Sheriff's Employee Foundation*

*Stanislaus County Sheriff's Explorer Post No. 226*

*Stanislaus County Sheriff's K-9 Association*

*Stanislaus County Sheriff's Management Association*

***Stanislaus County Sheriff's Posse Association***

***Stanislaus County Sheriff's Supervisor Association***

***Stanislaus County Sheriff's SWAT Association***

***Stanislaus County Sheriff's Team of Active Retired Seniors***

***Stanislaus Regional 9-1-1 Communications Center***

***Stanislaus Sworn Deputies Association***

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## **Critical Incident Report**

On Friday, December 30, 2011, at 6:26 a.m., Mary Donahou, a Crime Analyst Technician (CAT) with the Stanislaus County Sheriff's Department (SCSD) responded to an off-hours request for crime scene investigation. The crime involved gunshots fired into a residence at 2630 Santa Fe Avenue, Hughson, California.

The Stanislaus County Sheriff Deputy investigating the incident had requested a crime analyst technician. The deputy's request was then approved by the Watch Commander.

At approximately 6:34 a.m., CAT Donahou parked her vehicle on Santa Fe Avenue across the street from the crime scene. As Donahou crossed the street, she was struck by two vehicles and died from injuries sustained in the collision.

### **Sherriff's Decision**

Stanislaus County Sheriff-Coroner, Adam Christianson, directed an independent review of Mary Donahou's accidental death. The purpose was to identify the challenges faced, the decisions made, the strategies utilized, and the lessons learned. This included SCSD's civilian and sworn law enforcement activities before, during, and after the incident.

This report is solely based on the documents reviewed and the interviews conducted by the authors. As a result, the authors do not, and can not comment or base any conclusions on any person's account with whom they did not speak or any documents which were not reviewed.



## **The Report's Purpose**

The following objectives were established to meet the “transparent analysis” directed by Sheriff Christianson:

- Assess Policing Actions – Policy, Tactics, and Training
- Acknowledge Lessons Learned
- Identify Law Enforcement's Best Practices
- Develop Findings
- Enhance Policing Knowledge
- Improve Law Enforcement Awareness, Safety, and Skills
- Provide Advisory Recommendations

## **One Moment in Time**

Anyone is capable of making a mistake. This is a reality for workers in all professions. Occasionally, the consequences can be devastating.

When you read this report and develop opinions, it is important to remember that this is an examination of one moment in time. Crime Analyst Technician Mary Donahou was performing a policing activity that she had successfully managed before.

Crossing a street is a traditional activity that is undertaken each day by millions of people. Yet, for a variety of factors that morning, Mary's actions resulted in her making the ultimate law enforcement sacrifice; the loss of her life.

When you reflect on the facts discovered, remember that she was providing a service to community members who were recent victims of a violent crime. It is important to understand how a single action or a combination of factors in police work can become deadly.

## **Stanislaus County**

Stanislaus County is located in the Central Valley of California. Over 514,400 people live and work within 1,514 square miles that consist of nine incorporated cities and 14 unincorporated communities. Wine grapes are Stanislaus County's number one industry followed by other agricultural products.

### **Stanislaus County Sheriff's Department**

The SCSD is a full-service law enforcement agency. When the incident occurred, the workforce consisted of over 590 full and part-time employees assigned to civilian, correctional, and sworn positions. Patrol, investigative, and specialized policing services are provided to a geographically diverse county with rural and urban terrain and vast agricultural lands.

The SCSD is directed by an elected Sheriff-Coroner, Public Administrator who is assisted by the Undersheriff. The Department is divided into two divisions; Adult Detention and Operations. The divisions are commanded by Captains. Within the Adult Detention Division is Court and Civil Services which is supervised by a Lieutenant.

Note: Included in the Addendum is the Department's 2012 Organizational Chart.

### **Fallen Hero**

Crime Analyst Technician Mary Donahou is the first civilian employee to die in the line of duty at the Stanislaus County Sheriff's Department. Her accomplishments and service are honored in a shadow box that is prominently displayed in SCSD's Headquarters.

## **City of Hughson**

Hughson is a city in Stanislaus County, California. It is part of the Modesto Metropolitan Statistical Area. The city has a total area of 1.8 square miles with a population of 6,640 people (2010 Census).

The City of Hughson has a contract with the Stanislaus County Sheriff's Department. This agreement provides policing services within Hughson's boundaries.

# The Critical Incident

## The Neighborhood

The collision occurred on Santa Fe Avenue south of Charles Street in Hughson. Santa Fe Avenue is a two lane, paved roadway with one lane in each direction separated by solid double yellow lines. The posted speed limit is 45 miles per hour.

West of Santa Fe Avenue is a single set of Union Pacific railroad tracks. On the east side of Santa Fe Avenue is an approximately 20 foot wide dirt area leading to a chain link fence and the single family residence at 2630 Santa Fe Avenue. Below is a photograph of the crime and traffic collision scenes.



Aerial View of Crime and Traffic Collision Scenes

## **Environmental Conditions**

The California Highway Patrol's (CHP) Central Division Multidisciplinary Accident Investigation Team (MAIT) Investigators determined the following weather and lighting conditions at the time of the fatal collision:

### **Weather Conditions**

- Air Temperature – 46 degrees Fahrenheit
- Winds – 3.5 Miles Per Hour
- Haze

### **Lighting Conditions**

According to the California Vehicle Code's (CVC) definition of darkness, it was dark at 5:24 p.m. on Thursday, December 29, 2011. It was light at 6:49 a.m. on Friday, December 30, 2011. The collision occurred at 6:36 a.m.

The following was noted in the CHP MAIT investigation; “At the time of the collision, the moon was set and the sun had not risen. The lighting conditions met the definition of darkness.”

Note: The CVC defines darkness as follows: “Darkness is any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1,000 feet.”

The CHP MAIT report used the following sun and moon data from the United States Naval Observatory website:

- Sunset – 4:54 p.m., Thursday, December 29, 2011
- Sunrise – 7:19 a.m., Friday, December 30, 2011
- Moonset – 10:29 p.m., Thursday, December 29, 2011
- Moonrise – 10:48 a.m., Friday, December 30, 2011

Note: On December 30, 2011, the moon phase “was waxing crescent with 36 percent of the Moon’s visible disc illuminated.”

## **Train Traffic**

The traffic collision occurred near the railroad tracks. Although northbound trains traversed the area at 6:30 a.m. and 6:47 a.m., the CHP MAIT Investigators determined that train traffic was not a factor.

Note: Burlington Northern Santa Fe Railroad's records provided the aforementioned information and corroborated that there were no trains on the track in proximity to the traffic collision.

## **Shots Fired**

On the day of the accident, Friday, December 30, 2011, at approximately 4:50 a.m., a SCSD deputy was providing uniform patrol service to the City of Hughson. Without warning, the deputy heard gunshots coming from the south area of town. Immediately, the deputy notified dispatch of the shots fired and asked if any community members had reported a crime involving gunshots. The deputy was informed that there were no related service calls.

Approximately 20 minutes later at 5:10 a.m., the deputy was dispatched to 2630 South Santa Fe Avenue in Hughson. The service call was to investigate gunshots fired into an occupied residence, Penal Code Section 246, "Discharge Firearm into Inhabited Dwelling."

## **First Responder's Preliminary Investigation**

The deputy arrived three minutes later and initiated an investigation. In the course of this investigation, the deputy determined a need to take photographs and to collect physical evidence. However, the deputy's camera was inoperable.

## **Request for Crime Analyst Technician**

At approximately 5:17 a.m., the deputy requested a CAT response for a crime scene investigation. The deputy was informed that no technicians were working and one would have to be called in on an overtime basis.

## **Need for a Camera**

Since the on-scene deputy's camera was not working and no CAT was available, this deputy canceled the technician request. The on-scene deputy then contacted a patrol deputy working in the nearby contract City of Waterford, hoping to locate a functioning camera.

The Waterford deputy only had a personal camera that was not compatible with SCSD's computer system. However, the Waterford deputy responded, arrived, and assisted the deputy on South Santa Fe Avenue.

The original on-scene deputy informed dispatch that it would be best to collect and photograph the evidence at this time rather than when the next CAT reported at 7:00 a.m.

The on-scene deputy then requested overtime approval from the watch commander for a technician's response. This was approved.

### **Mary Donahou is Called In**

On Friday, December 30, 2011, CAT Donahou was scheduled to work the day shift at 7:00 a.m. The watch commander called her at 5:28 a.m. to see if she wanted to utilize the option to start her duty early and receive overtime compensation. Donahou told the watch commander that she would report early and handle the crime scene examination.

### **Donahou Arrives**

A review of the SCSD Computer Assisted Dispatch (CAD) Response Report for CAT Donahou's radio call sign of "6 X 5" provided the following times and activities:

- 6:26 a.m. - Logged on the Computer
- 6:27 a.m. - Drove to the Crime Scene
- 6:33 a.m. - Arrived at the Location



Donahou's Vehicle Parked on Santa Fe Avenue

## **The Traffic Collision**

The CHP MAIT investigators determined that Donahou parked her vehicle facing south on the west shoulder of Santa Fe Avenue. Donahou placed her vehicle in park, turned the ignition off, and activated the vehicle's parking lights. She exited her vehicle, wearing her SCSO CAT uniform, and obtained a camera from the vehicle's front passenger seat.

At approximately 6:36 a.m., Donahou entered the southbound lane of Santa Fe Avenue, walking in an easterly direction from the rear of her vehicle toward the crime scene. It is speculated that Donahou stopped in the south lane of the roadway to take photographs of the residence at 2630 Santa Fe Avenue.

After completing a stop at Whitmore Avenue, Party 2 was driving Vehicle Two, a 2000 Suzuki, four-door sedan, south on Santa Fe Avenue. At the same time, Party 3 was driving Vehicle Three, a 2000 Chevrolet truck, north on Santa Fe Avenue and starting to slow for the stop sign at Whitmore Avenue.

Donahou was first struck by the left front fender of Vehicle Two, causing her to be propelled into the driver side of Vehicle Three. The collision with the left side of Vehicle Three caused Donahou to be propelled back under Vehicle Two resulting in Vehicle 2 traveling over her with the left rear tire.

The driver of Vehicle Two stopped and made a u-turn and parked along the east side of Santa Fe Avenue. The driver of Vehicle Three stopped and also parked on the east side of Santa Fe Avenue.

The on-scene deputy was inside the home at 2630 Santa Fe Avenue and heard the collision. This deputy ran outside, called for medical assistance, and immediately began applying life-saving measures to Donahou.

Paramedic personnel arrived and continued emergency medical aid and transported Donahou to Memorial Medical Center in Modesto. Unfortunately, Mary Donahou was pronounced dead at Memorial Medical Center.

Note: As the reader moves forward, two scenes are described; a crime scene for the gunfire and a traffic collision scene for the accident. Both required separate investigations.



Donahou's Vehicle and Gunfire Crime Scene

## Law Enforcement Response

Stanislaus County Sheriff Department personnel responded and secured the scene until relieved by CHP Officers. After conducting a preliminary investigation, CHP Central Division MAIT was requested. The CHP MAIT Team Leader, Investigators, and Associates subsequently arrived and assumed investigative responsibility.

## Timeline of Events

The following is an event timeline for Friday, December 30, 2011:

- 4:50 a.m. Gunshots Heard by SCSD Patrol Deputy
- 5:10 a.m. Service Call Received by Patrol Deputy
- 5:13 a.m. Deputy Arrives at Crime Scene
- 5:17 a.m. Deputy Requested Crime Analyst Technician
- 5:28 a.m. SCSD CAT Donahou Called to Report for Work
- 6:26 a.m. CAT Donahou Logged onto Mobile Digital Computer
- 6:27 a.m. CAT Donahou Drove to Crime Scene
- 6:34 a.m. CAT Donahou Parked her Vehicle on Santa Fe Avenue
- 6:36 a.m. Party 2 Drove Southbound on Santa Fe Avenue
- 6:36 a.m. Party 3 Drove Northbound on Santa Fe Avenue
- 6:36 a.m. Fatal Traffic Collision Occurred



## The Funeral

On Thursday, January 5, 2012, hundreds of community members, family and loved ones, friends, law enforcement personnel, and SCSD civilian and sworn employees attended Crime Analyst Technician Mary Donahou's funeral services. Those present shared special stories and used wonderful words to describe her as a person and to recognize her public safety service.

During the funeral, SCSD Sheriff Adam Christenson delivered a moving eulogy that enabled those present to travel a path of her personal and law enforcement accomplishments. As you review his following remarks, hopefully all of us will better understand how lucky those who knew Mary were:

*"I stand before you today with a heavy heart. It's never easy to say goodbye to someone who meant so much to so many. This much is clear: we've lost a beloved mother, daughter, sister, friend, colleague, and public servant, but Mary lives on, in the deeds she performed, in the thoughts, the feelings, and the memories we all have of her, her service to the community, and her sacrifice.*

*Mary Donahou was a hero to many. Compassionate, thoughtful, dedicated, and determined, she served her community and the Stanislaus County Sheriff's Office with honor and distinction. She was prepared to protect our homes, our property, and our streets as a Crime Scene Investigator. If you committed a crime, beware! For those who left behind any forensic evidence, Mary worked tirelessly using that evidence in bringing criminals to justice! Mary was a valued, treasured friend to everyone who knew her, loved by the people she served, and those she worked with.*

*To Mary's family, mother Janice, father Jack, sisters Jennie, Melinda, Lori, and Teresa, and to all of her family, our prayers and deepest sympathies are with you. Jake, children should never be without a mom and your mom was the best! She loved you more than anything in the world and was very proud of you, never missing an opportunity to share that with all of us. We're all family and family is forever. You'll always be a member of our family at the Sheriff's Office.*

*To our law enforcement family, deputies, staff, and extended family, Mary was a shining example of what an employee of the Sheriff's Office should be: competent and courageous, tenacious and tough, brave and dedicated, yet understanding and compassionate to those who needed a helping hand.*

*To Deputy Jonathan Howard, Deputy Brian Carter, Deputy Wade Carr, Deputy Josh Sandoval, and Sergeant Hector Longoria, your courage and compassion are commendable. Deputy*

*Howard acted without hesitation in an attempt to save Mary's life. I'm very proud of everyone and even though we lost Mary, your efforts and courage will never be forgotten.*

*Mary was truly committed to public service. She always strived to be the best she could be and had an insatiable thirst for knowledge and self-improvement in the field of forensics and crime scene investigation.*

*Many of us in this church today are privileged to wear the badge, a symbol of the public's trust, which identifies us as members of the Stanislaus County Sheriff's Office, law enforcement, first responders, and public safety. That symbol defines who we are and what we do. We run toward danger when others run away. We're there to protect those who cannot protect themselves. Mary wore her badge with pride, loved her job and loved serving the community.*

*We are privileged because our society has placed in our hands a sacred trust. Every day when we pin our badge on our uniform and go out into the streets of our communities, we are given the opportunity to do good against evil – to make a positive difference in the lives of everyone who lives in, works in, or visits our communities. We get to protect and to serve. Mary Donahou for nine years was a living example of that trust. She understood that when she began her career as a legal clerk and finally as a crime scene investigator. In those nine years she'd been given the opportunity to make a difference. To make her life as a member of the Sheriff's Office count for something and she succeeded, far beyond even her own dreams and expectations. Everyone gathered here today is living proof and recognition of Mary's success.*

*Mary became a member of the Stanislaus County Sheriff's Office in 2002 as a legal clerk. She was later promoted to Community Service Officer in 2005 and was promoted again in 2007 to Crime Scene Investigator. Mary's passion for her work was evident every time she came to work. Her passion for serving others was also evident every time she was out in the community, most recently helping with our "Shop with a Cop" program in Riverbank. Her passion will be forever documented in a photograph with Marita Phillips, a five-year-old girl who benefited from Mary's kindness and generosity.*

*Mary received multiple commendations from peers, supervisors, and citizens, including recognition for her forensic work leading to the arrest and conviction of those who victimize the innocent. In one of many cases, Mary was assisting the Robbery-Homicide Team in taking crime scene photographs for two different search warrant locations. It was a lengthy detail and very complex. Mary maintained a positive attitude and after working in the heat of the day and for an extended period of time without any breaks, she still took the time to talk to the neighborhood children who were curious about what she was doing. Mary took the time to show them her equipment, how to look for latent fingerprint evidence, and told them all about Crime Scene Investigators. This is reflective of Mary's character and her dedicated service to the Sheriff's Office and the Community. Mary, I appreciate all your hard work and dedication.*

*It's people like you who make your unit outstanding! 'Thank you' said Captain Tim Beck in her most recent performance evaluation.*

*Mary was not without her sense of humor. She had fun at work and always had something to say which brought smiles and laughter. As an example, in her recently updated Last Will and Testament Mary said, 'Have a party, don't be sad! Celebrate my life, not my death!!!!' In closing, let me read to you the following prayer I think Mary would have liked:*

*To Those I Love and Those Who Love Me*

*When I'm gone release me. Let me go – I have so many things to see and do. You must not tie yourself to me with tears. Be thankful for our many beautiful years. I gave to you my love. You can only guess how much you gave to me in happiness. I thank you for the love we've all shown each other but now it's time I travel on alone. So grieve a while for me, if grieve you must. Then let your grief be comforted by trust. It's only for a time that we must part so bless the memories within your heart. I won't be far away, for life goes on. So if you need me, call and I will come. Though you can't see or touch me, I'll be near. And if you listen with your heart, you'll hear all my love around you soft and clear. And then when you must come this way alone, I'll greet you with a smile, and say...Welcome Home!*

*On behalf of the men and women of the Stanislaus County Sheriff's Office, on behalf of the entire law enforcement community, and on behalf of Mary's family and friends everywhere, I close by saying thank you, Mary, for making a difference. We know you're safe. May God bless you and your family. We'll miss you, and we'll never forget."*

Mary Donahou is survived by her son, father, mother, and four sisters. Her abilities to make a difference and her personal presence will be missed.

## **Findings and Recommendations**

The following findings and recommendations are offered for review. This information is based on contemporary law enforcement policies, procedures, and practices. Best policing practices were determined using ethical, legal, proper, and safe professional standards that enable law enforcement to protect and serve in the highest tradition.

For the reader's convenience, a numerical list of all findings can be found on page 28. The findings and recommendations are grouped into the following three sections:

- Before the Incident
- During the Incident
- After the Incident

The following words of caution are offered. Whenever the reader reviews a finding and associated recommendation, they are reminded that the policing actions taken were either appropriate, subject to improvement or inappropriate.

At first glance, the reader may conclude that all recommendations and findings indicate improper law enforcement actions. This is not correct, as a number of the decisions were consistent with valid police practices. However, this does not discount that lessons were indeed learned.

This review did not specifically examine the actions of other law enforcement agencies. However, within the report, the efforts of law enforcement agencies directly or indirectly involved in this incident were identified. Furthermore, not all findings are followed with a recommendation.

During this report's preparation, information was shared with the Sheriff. Currently, the Sheriff's Department is analyzing the CHP MAIT Accident Investigation Team's Report.

The following words, "Experience is a cruel teacher," were reflected in a previous critical incident report by a supervisor. Acknowledging the lessons learned in this report will provide civilian and sworn law enforcement leaders and personnel the opportunity to use firsthand knowledge to improve effectiveness and safety.

## **Before the Incident**

### **Finding No. 1 — Involved Parties and Vehicles**

The collision involved the victim, Mary Donahou, and two vehicles. Each vehicle was driven by an adult and there were no passenger(s) in their vehicles.

#### **Party 1**

Crime Analyst Technician Donahou was a 46-year-old female. At the time of the traffic collision, she was a pedestrian on Santa Fe Avenue, 118 feet south of Charles Street.

#### **Party 2**

When the traffic collision occurred, a 38-year-old female was driving a four-door Suzuki southbound on Santa Fe Avenue from Charles Street.



2000 Suzuki, Grand Vitara – Vehicle Two

### Party 3

When the traffic collision occurred, a 48-year-old male was driving a Chevrolet pickup truck northbound on Santa Fe Avenue approaching Charles Street.



2000 Chevrolet Silverado – Vehicle Three

### Finding No. 2 — Parking Too Close

Investigators determined that Mary Donahou's vehicle was parked one foot from the edge of Santa Fe Avenue with the vehicle's parking lights activated. Although this was a legal parking position, the spacing between the police vehicle and roadway presented danger when exiting. It was noted that additional parking space to the right was available.



### **Recommendation:**

Civilian and sworn personnel need to be reminded that positioning a marked or unmarked police vehicle requires careful consideration. After evaluating multiple factors, the vehicle operator and passenger(s) must exit the vehicle in a cautious manner.

### **Finding No. 3 — Crime Analyst Technician Uniform**

It was found that the SCSD uniform worn by CAT Donahou was dark and did not have reflective material. At the time of the collision, Donahou was wearing the following clothing:

- Black SCSD CAT Jacket with her Badge Displayed
- Black Zippered Sweatshirt
- Gray Long Sleeved Shirt
- Black Long Sleeved Shirt
- Black Tactical Duty Uniform Pants
- Black Socks
- Black Work Boots

### **Recommendation:**

The SCSD should consider modifying the uniform and jacket worn by civilian personnel assigned to field duties. This should include material with reflector inserts placed at specific uniform areas where body parts move. Currently, this technology is available.

### **Finding No. 4 — Taking Photographs**

It is common for a CAT to start taking photographs from the outside of the crime scene. While stationary or moving forward, the CAT will generally continue to take photographs while approaching the scene.

It was speculated by CHP MAIT investigators that Donahou had stopped to take pictures from the rear of her vehicle and again from the southbound lane of Santa Fe Avenue. Unfortunately, Donahou's camera was completely destroyed, including the memory device within the camera. Therefore, any pictures taken by Donahou prior to the collision were destroyed.

The need for Donahou to park across the street from the crime scene should be viewed as a decision that had pros and cons. Any time law enforcement personnel are required to be in

the roadway, they should wear a reflective vest. Ideally, a best practice is to use another employee to control or watch traffic.

**Recommendation:**

Training should be provided to improve awareness of safe positions and movements at crime scenes. Additionally, instruction should include the values of using a reflective vest during darkness, employing a support employee to control or watch traffic, and considering traffic flow before moving. Scenario demonstrations or exercises are excellent training avenues to present knowledge and to assess safe evidence collection when traffic is present.

**Finding No. 5 — Camera Operation**

It was speculated that Donahou remained longer in the roadway due to operating her camera in the dark. The CHP MAIT investigators felt that it would take longer to focus a camera at night. Consequently, the combination of camera actions in the darkness could create a limited field of vision.

**Recommendation:**

Although it could not be determined that Donahou was attempting to operate her camera prior to the collision, this speculation should be addressed in training.

**Finding No. 6 — Maintaining Cameras**

This was a single incident where a combination of events resulted in an operational camera not being available to field personnel.

**Recommendation:**

The SCSD should conduct an audit to determine if sufficient camera and support equipment is available to field personnel. The audit's findings will determine any changes necessary.



## **During the Incident**

### **Finding No. 7 — Allowing Party 3 to Leave**

The CHP's first responders conducted a preliminary investigation, obtaining information from Parties 2 and 3. Party 3 was permitted to leave the traffic collision scene.

After CHP MAIT personnel arrived, it was determined that Party 3 should be contacted and Vehicle Three inspected. A CHP MAIT Investigator conducted a follow-up interview with Party 3 at his place of employment. The investigator examined Party 3's vehicle, and found evidence that Donahou collided with Vehicle Three.

There was no information discovered that allowing Party 3 to depart from the traffic collision scene changed the investigation's conclusions. The timely attention to detail demonstrated by the CHP MAIT investigators is commendable.

### **Finding No. 8 — Objective Symptoms**

At the scene of the traffic collision, CHP MAIT Investigators found no objective symptoms of being under the influence for Parties 2 and 3.

### **Finding No. 9 — Witnesses**

The CHP MAIT Investigators identified 16 witnesses. These witnesses could not provide an eyewitness account of the incident.

## **After the Incident**

### **Finding No. 10 — Driver Licenses**

Parties 2 and 3 had valid California "C Non-Commercial" driving licenses. Party 3 was in compliance with the requirement to wear corrective lenses.

### **Finding No. 11 — Driving History**

A check with the California Department of Motor Vehicle records found that Parties 2 and 3's driving history had no previous traffic collisions, convictions, or failures to appear.

### **Finding No. 12 — Distracted Driving**

The CHP MAIT investigators received permission from Parties 2 and 3 to review their telephone usage records. The investigative results found that telephone use prior to or during the fatal traffic collision was not a causal or contributing factor.

Note: At the time of the collision, CAT Donahou was not using a handheld radio or mobile telephone.

### **Finding No. 13 — Post Collision Inspection**

A post-collision mechanical inspection of Vehicles Two and Three by CHP MAIT personnel was conducted. The following is their inspection findings:

Vehicle Two, Suzuki - Functional upon the roadway; no pre-existing defects; low beam headlamps and marker lamps were on; and headlamps were in compliance with the California Vehicle Code.

Vehicle Three, Chevrolet - "Based on the fact that Party 3 related there were no mechanical issues with Vehicle 3, and the limited involvement of Vehicle 3 in this collision, a mechanical inspection was not conducted."

### **Finding No. 14 — Traffic Controls**

The CHP MAIT investigation did not identify a need for traffic controls. Furthermore, a scene examination corroborated this. The closest traffic controls to the collision were the following:

- Santa Fe & Whitmore Avenues - A Four-Way Stop with a Flashing Beacon
- Service Road & Euclid Avenue - A Five-Way Stop with a Flashing Beacon
- Charles Street and Santa Fe Avenue - A Posted Stop Sign on Charles Street

## **Finding No. 15 — Not Impaired**

On Friday, December 30, 2011, a blood sample was obtained from CAT Donahou by Stanislaus County Sheriff Coroner personnel. On Tuesday, January 10, 2012, the Director of Central Valley Toxicology analyzed the sample and reported the following:

“No common acidic, neutral or basic drugs detected, and no blood ethyl alcohol detected.”

During this critical incident review, no evidence was discovered that CAT Donahou was impaired by alcohol or drugs. Furthermore, no other issue was found that had an adverse impact on her duty decisions that morning.

## **Finding No. 16 — Cause of Death**

A doctor from the Stanislaus County Sheriff's Department Coroner's Division determined that Mary Donahou died instantly from “multiple injuries to her head, neck, chest, pelvis, and bilateral lower extremities sustained in a traffic accident in which she was a pedestrian struck by a moving vehicle from her left.”

## **Finding No. 17 — Headlamp Compliance**

On January 11, 2012, twelve days after the collision, CHP MAIT investigators took Vehicle Two to a level asphalt concrete roadway similar to the accident scene. It was found that Vehicle Two's left headlamp had been damaged during the collision. The majority of the left headlamp lens was missing; however, the remaining portions observed were similar in appearance to the right headlamp lens.

The headlamp assembly was displaced downward but the bulb continued to illuminate when activated. The CHP MAIT investigators determined that testing of the Suzuki's headlamp intensity was required to evaluate headlamp compliance with the California Vehicle Code. This testing took place during the hours of darkness.

Based on the statements of Parties 2 and 3, and the headlamp inspection of Vehicle Two, it was determined that Vehicle Two's low beam headlamps were activated at the time of the collision. Furthermore, Vehicle Two's headlamps were in compliance with the requirements of the California Vehicle Code.

## **Finding No. 18 — Velocity**

The CHP MAIT Investigators used the statements of Parties 2 and 3, the vehicle damage to Vehicles Two and Three, and CAT Donahou's injuries to determine the following speeds at the point of impact:

- Vehicle Two was traveling at 30 miles per hour.
- Vehicle Three was traveling 45 miles per hour.

At the time of impact, the following traveling distances were determined:

- Vehicle Two was traveling at 44 feet per second.
- Vehicle Three was traveling at 66 feet per second.

## **Finding No. 19 — Perception and Response Distance**

The CHP MAIT Investigators used a time of 1.5 seconds to assess a driver's perception and response time. The first point of perception is when the driver can evaluate what the hazard is, make a decision to react, and begin the reaction of moving their foot to depress the brake pedal.

Note: When a driver has reached the first point of perception where a hazard can be seen, the time of 1.5 seconds is an average response time for someone encountering unexpected or emergency situations during daylight hours.

Vehicle Two, traveling 44 feet per second, and Vehicle Three traveling 66 feet per second, and using 1.5 seconds of perception and response time, the CHP MAIT Investigators determined the following:

- Vehicle Two would travel 66 feet.
- Vehicle Three would travel 99 feet.

At a speed of 30 miles per hour, 44 feet per second, Party 2's stopping distance was determined to be 108.82 feet.

## **Finding No. 20 — Visibility Testing**

On May 31, 2012, at approximately 5:00 a.m., CHP MAIT investigators enacted a controlled test at the accident scene. The test's purpose was to determine if Parties 2 or 3 had an opportunity to discern Party 1 (CAT Donahou) in the roadway in front of them, and if there was sufficient time available for either party to react and avoid striking Party 1. Due to the collision occurring during the hours of darkness, this date and time were found to be most similar to the lighting conditions when Parties 2 and 3 were approaching Party 1.

A CHP MAIT Investigator portrayed Party 1. This investigator was similar in height and weight and was dressed in identical clothing. The investigator stood in the roadway with a black camera hanging from the investigator's neck and facing east toward the crime scene. Vehicle Two, the Suzuki, driven by Party 2, and Vehicle Three, the Chevrolet exemplar, were operated by CHP MAIT Investigators.

Each vehicle was placed seven seconds from the collision's impact point. As each vehicle proceeded forward, the drivers noted their observations at preset locations. These positions were one to seven seconds away. This enabled the investigators to determine if Party 1 could have been seen and if there was enough time from the point of being observed for the drivers to react.

During four tests, on a closed and controlled roadway, CHP MAIT personnel acted in lieu of Parties 1, 2, and 3. Different CHP MAIT personnel assumed various roles to ensure that multiple perceptions and reactions were noted as they moved from mark to mark and stopped to allow for their observations to be recorded.

Due to their intimate knowledge of this fatal traffic collision, the CHP MAIT drivers were looking for and were aware of the investigator standing in the roadway representing Donahou. While functioning as drivers, they knew that the parked vehicles on the shoulders created no hazard. Thus, they did not have to divert their attention or eyesight.

### **Could CAT Donahou be seen?**

Taking into account that this was a static test situation, no drivers in the four tests were able to see the CHP MAIT Investigator representing Donahou in the roadway between the seven and one second marks.

### **Was there glare from opposing headlamps?**

During Test One at two seconds prior to the impact point, the CHP MAIT Investigators who portrayed Parties 2 and 3 reported that they experienced some glare. They noted that the glare became worse as the two vehicles approached each other.

During Tests Two, Three, and Four between the seven and one second marks, all CHP MAIT drivers who represented Parties 2 and 3 reported some glare from the opposing vehicle's headlamps.

### **Was there glare from the parked vehicles?**

During Test One, the three CHP MAIT drivers who operated the Suzuki experienced glare throughout the test from the headlamps of the parked Ford Crown Victoria patrol vehicle. This vehicle represented the SCSD police unit parked at the crime scene by the first on-scene deputy.

During Test Two all CHP MAIT drivers experienced glare from Donahou's activated headlamps and the on-scene deputy's vehicle. These two vehicles were parked on opposing shoulders of the road.

During Test Four, all CHP MAIT drivers experienced glare from the activated headlamps of the on-scene deputy's vehicle.

Note: During Test Three, the headlamps of the two parked vehicles were deactivated.

### **When was Donahou visible?**

At the end of Test Four, the vehicles moved slowly toward the area of impact. The CHP MAIT Investigators stopped when they saw the CHP MAIT Investigator acting on behalf of Donahou at the following distances:

- The Suzuki stopped with the front bumper 27.3 feet from the CHP MAIT Investigator representing Donahou.
- The Chevrolet exemplar stopped with the front bumper 25.0 feet from the CHP MAIT Investigator representing Donahou.

## **Expectancy**

The following was paraphrased from the CHP MAIT Investigation:

*The primary difference between the testing and a real life situation was expectancy. A motorist expecting a hazard to appear, which was the situation given to the investigators during the testing, would likely discern the hazard earlier than an unalerted motorist. Additionally, a motorist on the roadway who observes vehicle's lamps approaching from the opposite direction may divert their attention toward the shoulder and away from the roadway, to avoid glare from the oncoming vehicle's headlamps.*

## **Finding No. 21 — Invisible**

During the testing, the CHP MAIT investigator who acted as Donahou felt that there was more than enough lighting created by both approaching vehicles. This investigator thought that the approaching drivers would easily see the standing investigator. This was not the case.

It was found that the opposing lights of Vehicles Two and Three approaching Donahou created the condition of Donahou being invisible to the drivers of these two vehicles. In addition to the opposing lights, Donahou was wearing all dark clothing without any reflective material during the hours of darkness.

### **Recommendation:**

Law enforcement supervisors and trainers must continually remind personnel of the value of wearing reflective vests when their duty requires them to be in the roadway. Additionally, a person designated to watch traffic while others are performing duties in a roadway is recommended.

## **Finding No. 22 — Overestimating Visibility as a Pedestrian**

The CHP MAIT investigators brought to the authors' attention that "pedestrians will generally overestimate their visibility to other drivers by 50%."

### **Recommendation:**

Law enforcement personnel must be reminded of overestimating their visibility as a pedestrian to other drivers through ongoing training efforts.

## **Finding No. 23 — Future Training**

The CHP MAIT investigation identified issues of concern. This information needs to be further evaluated with a focus on operational and training strategies to prevent a similar tragedy.

### **Recommendation:**

The SCSD should direct an examination of crime analyst safety training practices. The following should be considered:

- Standardized Training Schedule
- Scenario Demonstration and Exercise Training Activities
- Training on Person and Vehicle Positioning

## **Finding No. 24 — Traffic Safety**

In California, a significant emphasis has been placed on traffic safety. This includes efforts to reduce the number of law enforcement personnel killed and injured in traffic collisions.

The California Commission on Peace Officer Standards and Training (POST) has initiated a Situation Appropriate, Focused, and Educated (SAFE) Driving Campaign. The program's goal is to reduce fatal law enforcement collisions. Furthermore, POST has created awareness of the following efforts and programs:

- SAFE Driving Symposium
- "Did You Know" Videos
- Law Enforcement Driving Simulators
- Below 100 Campaign
- Office of Traffic Safety, Traffic Safety Summit

### **Recommendation:**

The SCSD should review the California POST traffic safety programs. In relation to this incident, consideration should be given to how the efforts of POST may assist SCSD's traffic safety training objectives. This may include improvements to driver training and the commitments of all SCSD personnel to drive safely.



## **Finding No. 25 — Reporting Traffic Deaths**

Research with California Highway Patrol and the California Commission on POST found that these agencies do not track the on-duty traffic deaths of civilian law enforcement personnel. Additional review could not locate a centralized body of knowledge that provides information to identify trends or training solutions.

### **Recommendation:**

The SCSD Sheriff should consider a proposal to the California Commission on POST to develop a tracking system for on-duty civilian law enforcement fatalities.

## **Finding No. 26 — Supervisory Practices**

During interviews with various supervisors, it was difficult to determine the frequency of CAT field inspections. Although this may have been an isolated incident, the actions taken by CAT Donahou provide a harsh reminder of the importance of field supervisors, acting field supervisors, and senior deputies assessing field operations.

### **Recommendation:**

The SCSD should determine if field supervisors are appropriately inspecting civilian and sworn personnel involved in field activities and documenting performance.

## **Finding No. 27 — Unavoidable**

The CHP MAIT investigation concluded the following:

“Previous calculations indicated it would take 108.82 feet to stop Vehicle 2 (Suzuki) traveling at the stated speed of 30 miles per hour. The controlled testing indicated Party 1 (Donahou) was first visible only 27.3 feet away from the front of Vehicle 2 (Suzuki). Due to the fact it would have taken Party 2 over 108 feet to perceive, react, and stop Vehicle 2 (Suzuki); with only 27 feet available to do it, this collision was unavoidable.”

## **Finding No. 28 — Right-of-Way**

On September 27, 2012, CHP MAIT Investigators presented their findings to the SCSO Sheriff, the SCSO Command Staff and the authors of this report. Their findings were as follows:

“Party 1 (Donahou) caused this collision when she walked into and/or stood in the roadway of southbound Santa Fe Avenue, south of Charles Street, directly in the path of Vehicle 2 (Suzuki). Based on the lighting conditions and the results of the visibility testing, it was determined that Party 1 (Donahou) constituted an immediate and unavoidable hazard to Party 2. This was a violation of California Vehicle Code 21954(a).”

Note: California Vehicle Code Section 21954 (a), “Pedestrians Outside a Crosswalk,” requires every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard.

“Based on the calculations and the controlled testing, the collision between Vehicle 2 (Suzuki) and Party 1 (Donahou) was unavoidable for Party 2. Party 2 could not discern Party 1 (Donahou) due to the lighting conditions of approaching traffic and the lack of reflective material worn by Party 1 (Donahou). The subsequent collision between Vehicle 3 (Chevrolet) and Party 1 (Donahou), and the second impact between Vehicle 2 (Suzuki) and Party 1 (Donahou), were also unavoidable. This was based upon the close proximity of the involved parties which resulted in a lack of available time and distance for any collision avoidance maneuvers.”

This critical incident review found no facts or witnesses that could dispute or refute the aforementioned CHP MAIT Investigation’s findings.

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## **The Future**

Nationwide law enforcement has experienced a significant number of traffic related fatalities. California law enforcement agencies are working with the California Commission on Peace Officers Standards and Training (POST) to reduce traffic related deaths. These efforts involve multi-dimensional programs to enhance awareness of traffic dangers. This requires consistent and verifiable training to ensure that law enforcement civilian and sworn personnel are demonstrating safe practices involving travel to and from directed, initiated, and requested activities.

Between 1995 and 2011, ninety-five California peace officers lost their lives in traffic fatalities. This was an average loss of over five peace officers each year. These traffic fatalities included deaths during traffic collisions that involved automobiles and motorcycles, as well as incidents where a pedestrian peace officer was struck by a vehicle. In 2012, for the first time in more than 25 years, no California peace officers were killed in a traffic collision.

As policing moves forward, civilian and law enforcement personnel must continue to receive contemporary and verifiable traffic safety training. Without these programs, complacency will increase and perishable skills will decrease.

## **Authors**

This report was prepared by retired Los Angeles Police Captain Rich Wemmer and retired Huntington Beach Police Lieutenant Ed Deuel. Rich and Ed are active members of the California Commission on Peace Officer Standards and Training (POST), Law Enforcement Officers Killed & Assaulted (LEOKA) Advisory Council. They have written critical incident reviews for POST and have served as commentators, panel members, and subject matter experts for POST Telecourses.

Rich and Ed have reviewed the accidental and felonious deaths of over 500 California Peace Officers and interviewed hundreds of law enforcement officers who have survived deadly incidents. Collectively, they have 70 years of law enforcement experience and have trained thousands of local, state, and federal peace officers throughout the United States. Both have been recognized for their contributions to peace officer safety and training, and acknowledged for making peace officers more efficient and safer.

Rich is a recipient of the *Lifetime Achievement Award for Excellence in Training* by the California Commission on Peace Officer Standards and Training in Sacramento, California. Ed received the prestigious *Golden Badge Award* for his training contributions.

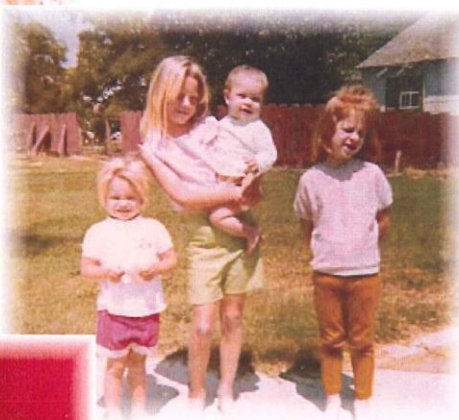
## Addendum

### Funeral Program



*Live well,*

*Laugh often,*



*Love always.*



*"I'm good enough, smart enough  
and gosh darn it, people like me!!!*

*~ Stuart Smalley*





*Mary Ann Donahou*

*August 20, 1965*



*December 30, 2011*





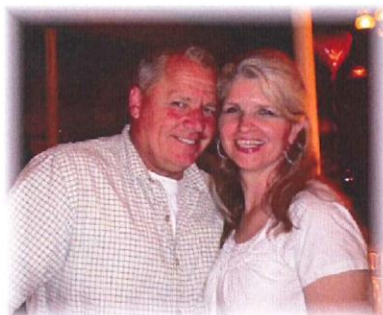
*In Loving Memory of*  
**Mary Ann Donahou**

**A Celebration of Life Service**

*Thursday, January 5, 2012 at 10am  
 Calvary Temple Worship Center  
 1601 Coffee Rd. ~ Modesto*



**Final Resting Place**  
*Lakewood Memorial Park*



*"Will the wind ever remember  
 The names it has blown  
     in the past  
 And with his crutch,  
 it's old age, and it's wisdom  
     It whispers no,  
     this will be the last  
 And the wind cries Mary"  
 ~ Jimmy Henrix*

# *Mary Ann Donahou*

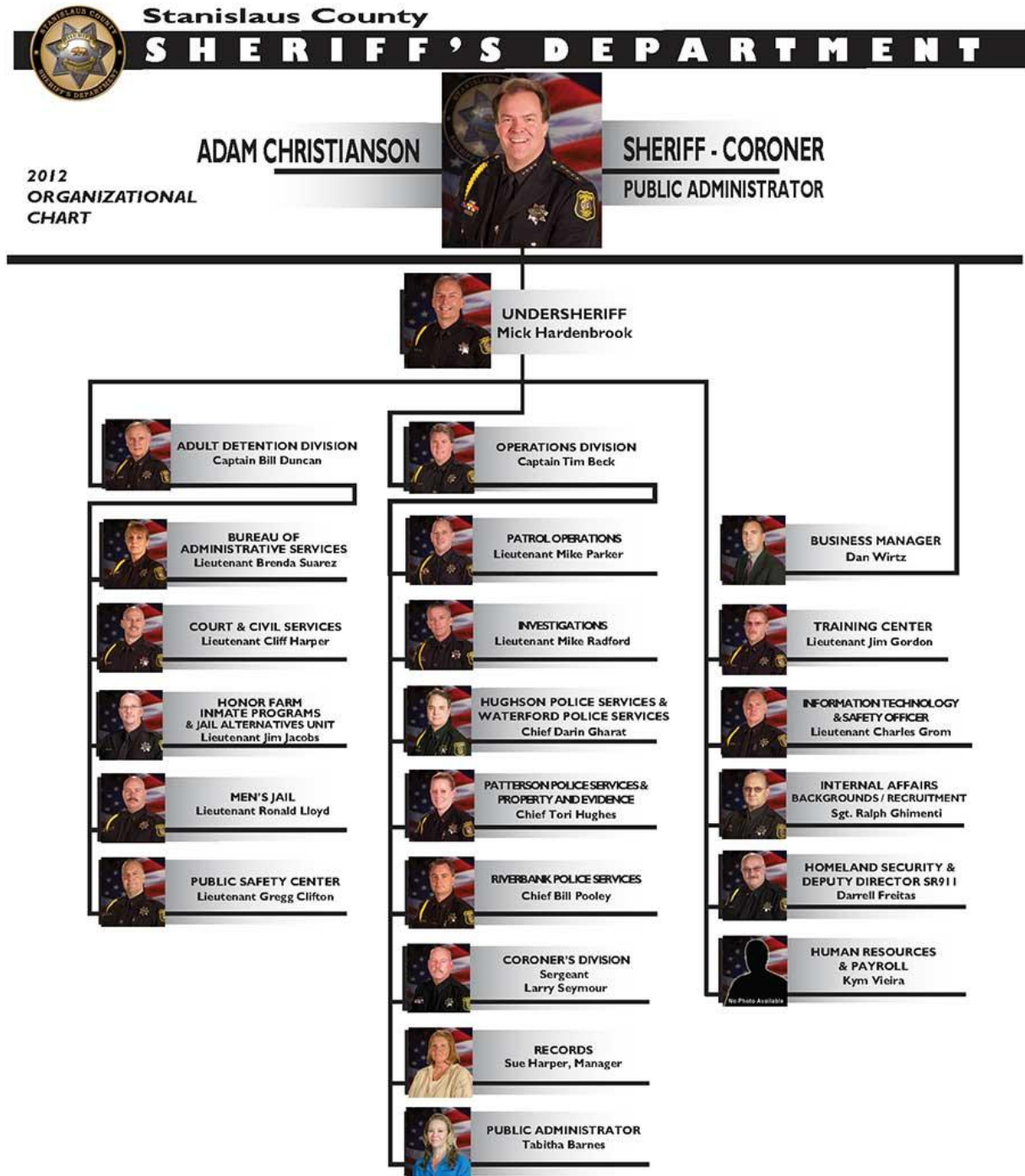
*Mary Ann Donahou tragically passed away December 30<sup>th</sup>, 2011 while performing her duties as a Stanislaus County Crime Scene Technician. Mary Ann was born on August 20, 1965 in Ceres, California. She graduated from Downey High school in 1983. Mary Ann loved all music genres, in 1996 she moved to St. Louis where she worked for KYKY 98 and KEZK 102.5, during that time she met various artists and bands. On December 29<sup>th</sup>, 1999 Mary Ann was blessed with the love of her life, her son Jake. In March 2000 she moved back to California to raise her son amongst her family and began working for her sister Jennifer at Jenny's Family Dining. During that time Mary Ann studied Criminal Justice at Modesto Junior College. In 2002 she began her career at the Sheriff's Department as a booking clerk in the county jail. Her love of law enforcement and her career led her to become a Crime Scene Technician. She was deeply committed to her profession, one that she put her whole heart into. Mary Ann was very active in the community; she was a den mother for the cub scouts, local charity work and loved supporting local sports organizations. Mary Ann was a loving mother, daughter, sister, aunt and cousin. Her smile lit up the room and her laughter was contagious. Mary Ann was an amazing woman, her beauty; friendship, intelligence and compassion were all attributes that made her so endearing. Her quick wit and humor could make a grown man blush. Mary Ann left a huge hole in the hearts of those that knew her and she will be forever missed and remembered. Mary Ann is survived by her son Jake Lewis Hassler, her parents Janice and Robert Pence and Jack and Mary Donahou, her sisters Jennifer Horne, Melinda Donahou-Sneed, Lori Donahou, and Teresa Brockman, five nieces, four nephews, one great niece and six great nephews.*

*23<sup>rd</sup> Psalm*

*The Lord is my  
shepherd;  
I shall not want.  
He maketh me  
to lie down  
in green pastures:  
He leadeth me beside the  
still waters.  
He restoreth my soul:  
He leadeth me in the paths  
of righteousness for His  
name's sake.  
Yea, though I walk through  
the valley of the shadow of  
death,  
I will fear no evil;  
for Thou art with me:  
Thy rod and Thy staff  
they comfort me.  
Thou preparest a table  
before me in the presence of  
mine enemies:  
thou anointest my head  
with oil; my cup runneth  
over. Surely goodness and  
mercy shall follow me all  
the days of my life: and I  
will dwell  
in the house of the  
Lord for ever.*



# Stanislaus County Sheriff's 2012 Organizational Chart



Valid as of 11/1/2012