## LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

## 100.2 PEACE OFFICER POWERS

Sworn members of the Bureau of Investigation are peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs the peace officer or in which the peace officer serves.

(b) Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent, if the place is within a city, or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(c) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

## 100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

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# Chief Executive Officer

## 101.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment.

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# Oath of Office

## 102.1 PURPOSE AND SCOPE

Investigators of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

### 102.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

I, [employee name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Los Angeles County District Attorney's Office Bureau of Investigation is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All sworn employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that police work is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 103.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Los Angeles County District Attorney's Office Bureau of Investigation and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, or its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Los Angeles County District Attorney's Office Bureau of Investigation reserves the right to revise any policy content, in whole or in part.

## 103.2 RESPONSIBILITIES

The ultimate responsibility for the contents of the manual rests with the Chief of the Bureau of Investigation. Since it is not practical for the Chief of the Bureau of Investigation to prepare and maintain the manual, the following delegations have been made:

### 103.2.1 CHIEF OF THE BUREAU OF INVESTIGATION

The Chief shall be considered the ultimate authority for the provisions of this manual and shall continue to issue Bureau of Investigation Policy Directives which shall modify those provisions of the manual to which they pertain. Bureau of Investigation Policy Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

### 103.2.2 STAFF

The Command Staff shall consist of the following:

- Chief
- Deputy Chief

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- The Captain from each division

The command staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

103.2.3 OTHER PERSONNEL
All Department sworn employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Section Lieutenant who will review the recommendation and forward to the Command Staff.

## 103.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL

The purpose of this section is to provide examples of abbreviations and definitions used in this manual.

103.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Bureau of Investigation Policy Directives may be abbreviated as "BOIPD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

103.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CHP** - The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**County** - The County of Los Angeles.

**Department /LADA BOI -** The Los Angeles County District Attorney's Office Bureau of Investigation.

**Detective** - Sworn At-Will Investigator.

**DMV** - The Department of Motor Vehicles.

**Employee/Personnel** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.

**Manual** - The Los Angeles County District Attorney's Office Bureau of Investigation Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person who is employed or appointed by the Los Angeles County District Attorney's Office Bureau of Investigation, including sworn investigators, detectives, professional staff employees and volunteers.

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**Professional Staff** - Employees and volunteers who are not sworn peace officers.

**Investigator/Sworn** - Those employees, regardless of rank, who are sworn employees of the Los Angeles County District Attorney's Office Bureau of Investigation.

**On-Duty** - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**POST** - The California Commission on Peace Officer Standards and Training.

**Rank** - The job classification title held by an investigator.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**USC** - United States Code.

### 103.3.3 DISTRIBUTION OF MANUAL

Hard copies of the Policy Manual shall be distributed to the following:

- Chief
- Deputy Chief
- Captains
- Administrative/Training Lieutenant
- Administrative/Training Sergeants
- The Command Center

A computerized version of the Policy Manual will be made available via the internet for access by all sworn employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

## 103.4 MANUAL ACCEPTANCE

As a condition of employment, all sworn employees are required to read and obtain necessary clarification of this department's policies. All sworn employees are required to sign an electronic statement of receipt acknowledging that they have received a copy of, or have been provided access to, the Policy Manual electronically and understand they are responsible to read and become familiar with its contents. A copy of the signed electronic statement of receipt will be maintained in each sworn employee's personnel file.

### 103.4.1 REVISIONS TO POLICIES

All sworn employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Bureau of Investigation

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Home Page under the title Recent Policy Manual Revisions. The Administrative Division will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each sworn employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each section lieutenant will ensure that sworn employees under his/her command are aware of any Policy Manual revisions.

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# Chapter 2 - Organization and Administration

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of this department is designed to create an efficient means to accomplish our mission and goals and to provide for the best possible service to the public.

## 200.2 DIVISIONS

The Bureau of Investigation is directed by a Chief, who is appointed by the District Attorney. Aiding the Chief is a Deputy Chief, who is also appointed by the District Attorney. There are five divisions in the Agency, each commanded by a Captain:

- Administrative Division
- Criminal Division
- Fraud and Corruption Division
- Special Operations Division
- Specialized Fraud Division

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief exercises command over all personnel in the Bureau of Investigation. During planned absences, the Chief will designate the Deputy Chief or a Division Captain to serve as the acting Chief.

### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Bureau of Investigation. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated, authority may exist by policy or special assignment (e.g., SRT, range, field operations); any supervisor may temporarily direct any subordinate if an operational necessity exists.

### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of any superior or other proper authority.

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# Bureau of Investigation Policy Directive (BOIPD)

## 201.1 PURPOSE AND SCOPE

Bureau of Investigation Policy Directives (BOIPD) establish an interdepartmental communication that may be used by the Chief to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Chief's Directives will immediately modify or change and supersede sections of this manual to which they pertain.

### 201.1.1 BOIPD PROTOCOL

BOIPDs will be incorporated into the manual as required upon approval of the command staff. BOIPDs will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All BOIPDs issued prior to the implementation of this manual have been incorporated into this manual.

Any BOIPDs issued after implementation of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 01. For example, 15-001 signifies the first BOIPD for the year 2015.

## 201.2 RESPONSIBILITIES

### 201.2.1 STAFF

The command staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a BOIPD.

### 201.2.2 CHIEF OF THE BUREAU OF INVESTIGATION

The Chief or his/her designee shall issue all BOIPDs.

## 201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all BOIPDs. All employees are required to acknowledge in writing the receipt and review of any new BOIPD. Signed acknowledgment forms and/or e-mail receipts showing an employee's acknowledgment will be maintained by the Administrative Division.

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# Departmental Emergency Plan

## 202.1 PURPOSE AND SCOPE

The County has prepared a Departmental Emergency Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

## 202.2 ACTIVATING THE EMERGENCY PLAN

The Departmental Emergency Plan can be activated on the order of the official designated by the County.

### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Los Angeles County District Attorney's Office Bureau of Investigation are subject to emergency recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief or the authorized designee.

Failure to respond to an order to report for duty may result in discipline.

## 202.3 LOCATION OF THE PLAN

The Departmental Emergency Plan is available on the LADAnet "Safety" page. All supervisors should familiarize themselves with the Departmental Emergency Plan. The Special Operations Sergeant should ensure that department personnel are familiar with the roles sworn personnel will play when the plan is implemented.

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# Training Policy

## 203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the residents of Los Angeles County.

## 203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

## 203.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Meet training obligations as dictated by POST, statutory provisions, and/or other existing regulations.

(b) Increase the efficiency and proficiency of personnel.

(c) Provide a career development path for Agency personnel.

## 203.4 TRAINING PLAN

A training plan will be developed and maintained by the Administrative Division. It is the responsibility of the Administrative Division to maintain, review, and update the training plan on an annual basis.

## 203.5 TRAINING NEEDS ASSESSMENT

The Training Section will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by the command staff. Upon approval by the command staff, the needs assessment will form the basis for the training plan for the future.

## 203.6 TRAINING PROCEDURES

Prior to attendance at any POST training, the investigator must obtain authorization to attend the function through their chain of command and a copy of the POST reimbursement form from the Training Unit. If travel and lodging are required in order to attend the training, the investigator will be responsible for making travel and lodging reservations consistent with county and Departmental policy. If a cash advance has been approved, the investigator will pick it up from the Bureau of Administrative Services prior to training. Upon returning from training the investigator will: a. Submit two (2) copies of any training certificates to the Administrative Division; b. File an expense

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claim report plus one (1) copy, if applicable; c. Complete a course evaluation as directed by the Administrative Division.

203.6.1 ADDITIONAL PROCEDURES CONCERNING TRAINING

All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

(a) Court appearances.

(b) Pre-approved vacation.

(c) Sick leave.

(d) Physical limitations preventing the employee's participation.

(e) Emergency situations.

When an employee is unable to attend mandatory training, that employee shall:

(a) Notify his/her supervisor as soon as possible. When practical, notification should occur no later than twenty-four hours prior to the start of training.

(b) Document his/her absence in a memorandum to the Chief.

(c) Make arrangements through his/her supervisor and the Administrative Division to attend the required training on an alternate date.

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# Electronic Mail

## 204.1 PURPOSE AND SCOPE

The District Attorney's Office has provided computers with e-mail capability to all District Attorney personnel. The office e-mail system is intended to facilitate business communications within the District Attorney's Office as well as with other Internet e-mail users. E-mail is a powerful communications tool. To ensure proper use of office e-mail all District Attorney personnel must adhere to the provisions of this policy.

## 204.2 E-MAIL RIGHT OF PRIVACY

The District Attorney's Office e-mail system is intended to facilitate business communications within the District Attorney's Office as well as with other Internet e-mail users. The office e-mail system allows you to send e-mail to, and receive e-mail from, anyone within the District Attorney's Office or anyone outside the office with an Internet e-mail address. (Note: The e-mail function alone will not allow you to access other aspects of the Internet such as the World Wide Web.)

This E-mail Acceptable Use Policy has been established to ensure that the e-mail system is used appropriately. Failure to comply with any provision of this policy may result in disciplinary action including written reprimand, suspension, demotion or discharge.

## 204.3 PROHIBITED USE OF E-MAIL

The contents of the District Attorney's Office e-mail system are the sole property of the Los Angeles County District Attorney's Office. Managers, supervisors and other designated departmental personnel may, at any time and in their sole discretion, access the contents of all e-mail messages sent or received over the office e-mail system to ensure appropriate system use.

Incoming and outgoing e-mail messages are not private and may be accessed without the employee's permission. There is no reasonable expectation of privacy in any e-mail message. E-mail messages are stored on office e-mail servers. Copies of each e-mail message are stored in the mailbox of the sender and each recipient. Messages remain on the server until the sender and all recipients delete them. Even after messages are deleted, backup copies are retained and may be accessed for at least one week.

The e-mail system is subject to unannounced, periodic reviews and should be treated like any other shared information or filing system.

## 204.4 E-MAIL CONFIDENTIALITY AND DISCOVERY

Once the "send" command is given for an e-mail message, the message cannot be retrieved. Carefully review the content of all e-mail messages and verify the names and addresses of the intended recipients before sending or forwarding a message.

The confidentiality of an e-mail message may not be protected. E-mail messages, like other memorandum and documents, may be subject to discovery in litigation and may constitute a public

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record subject to the California Public Records Act. (See Government Code sections 6250 and 6254.)

As in other forms of communication, you must protect attorney work-product and other privileged information when using e-mail. An e-mail message that is not appropriately identified as confidential, privileged and/or attorney work product may be subject to discovery. If you send or receive an e-mail message that may be discoverable, as with other forms of evidence, you must retain it in the appropriate file pending any discovery request and determination as to whether it is protected by a privilege or is subject to discovery.

Your immediate supervisor must approve the use of the e-mail system to transmit confidential information that is not protected by the attorney work-product privilege. Similar to the precautions for transmitting an e-mail message containing attorney work-product, you must protect the e-mail message containing confidential information, including, but not limited to, labeling the message as confidential and cautioning recipients of the information that it is confidential and not to be communicated to others. You may also choose to use the following disclaimer:

*The information contained in this e-mail message is intended only for the* CONFIDENTIAL *use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege, represents confidential attorney work product and/or is exempt from disclosure under applicable law. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, you received this document through inadvertent error and any further review, dissemination, distribution, forwarding or copying of this communication by you or anyone else is strictly prohibited.* IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT _____. *Please delete the message you received in error. Thank you.*

## 204.5 PASSWORDS

E-mail users are prohibited from the unauthorized use of any other employee's password. Employees should not disclose their e-mail password to others unless required under this policy. The only exception is when the business needs of the District Attorney's Office require an alternative login practice for specified functions.

## 204.6 E-MAIL USAGE

E-mail is often more efficient than the telephone for exchanging brief communications. It has the potential to reduce paper use since e-mail minimizes the need to print and maintain hard copies of e-mail messages and other documents. E-mail is particularly helpful to transmit routine correspondence otherwise sent by mail or fax and to track the progress of ongoing projects.

Each e-mail user should review his or her e-mail at least once a day for new messages and act on a message the day it is received, whenever possible. E-mail is only to be used to transact official District Attorney business or to exchange appropriate office-related communications. E-mail shall not be used to send or forward communications that are not business or office-related or that

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violate the department's personnel policies. The following types of communications are examples of unacceptable use of office e-mail:

- Any insulting, offensive, demeaning, disruptive or sexually suggestive language, topics or jokes;
- Sexual, racial, ethnic or gender slurs and obscenities or any depiction of obscenities, or other material that could be construed as harassment or which creates a hostile work environment;
- Gossip or personal information about any person under circumstance likely to embarrass any employee or create a hostile work environment;
- Copyrighted materials, trade secrets, proprietary financial information or similar materials without the appropriate authorization;
- The solicitation or promotion of any personal or commercial venture, any religious, social or personal cause, or any prohibited political activity;
- Chain letters; or
- Forwarding information or advertisements from outside vendors (i.e., insurance companies).

The e-mail system must be used with professional and personal courtesy. Every e-mail message must be professional in content and tone and must not include inflammatory remarks or inappropriate language.

Confidential information, including, but not limited to, personnel actions, employee medical information, employee disciplinary actions, performance evaluations, appraisals of promotability, attorney work-product and any other sensitive material (including any attached documents and files), may not be transmitted by e-mail. E-mail shall not be used in any manner that violates either Los Angeles County or District Attorney policies, including Personnel Policies Handbook provisions on harassment (Section 20801 et seq.), professional and businesslike conduct (Section 7 01 00) and employee performance (Section 8 01 00).

If you receive an inappropriate e-mail, you should advise the sender that the message was inappropriate and violates this policy. If you do not wish to contact the sender, you should advise your supervisor so that corrective action may be taken. Any supervisor receiving notice of an e-mail policy violation must take appropriate corrective action, including, but not limited to, notifying the sender's immediate supervisor and notifying the head of the Employee Relations Division.

### 204.7 MASS E-MAIL AND OFFICE-WIDE MESSAGES

District Attorney personnel shall not send any mass e-mail message without prior approval from the Chief Deputy or his/her designee. A mass e-mail message is an e-mail addressed to 50 or more people. In particular, only a director or above may send an office-wide email message to all district attorney personnel using the "LADA-ALL" address.

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### 204.8 RETENTION AND MANAGEMENT OF E-MAIL

The e-mail system is intended to provide temporary retention of information. The system is unsuitable for secure, long-term storage of information. If there is a system failure, messages stored on the e-mail network may be lost. To retain a message and any attachment, the e-mail message and attachment may be saved electronically outside the e-mail system (e.g., in a word processor file with appropriate backup) or as a printed copy. To retain a message and attachment permanently, you must print a copy of the information. The original electronic message may then be deleted. Caveat: When an e-mail message and attachment are saved outside the e-mail system for future reference or potential discovery requests, print the entire e-mail message. The following guidelines should be followed to enable the network to maintain communications capability without affecting the need to increase hardware capacity:

- Delete messages immediately after reading them unless there is a reason to retain them;
- Move e-mail of temporary value to an electronic folder on your computer's hard drive. The on-line help feature will assist you in creating folders;
- Delete e-mail from folders within 30 days of receipt. If a record is required, print and retain a copy of the information; and
- Delete meeting notices as soon as the meeting has been recorded on your calendar.

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# Administrative Communications

## 205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies:

## 205.2 MEMORANDUMS

It is often necessary to make a written record of a matter, which is of interest only within the Bureau of Investigation. These internal matters, usually not case related, are reported in memorandum form and concern such subjects as administrative functions, instructions from supervisors to subordinates, loss or theft of County-issued equipment, duty or training schedules, personnel matters, or any other special or confidential matter which is disseminated only within the Bureau of Investigation.

## 205.3 CORRESPONDENCE

Personal letters (as opposed to form letters) addressed to heads of other agencies or elected officials, shall be prepared for the Chief or the Deputy Chief's signature.

Routine letters (e.g., those requesting documents from governmental agencies or private businesses, and form letters requiring a signature) may be prepared and signed by the appropriate Lieutenant.

An investigator initiating correspondence may be authorized by his/her Lieutenant to sign the appropriate signature (Lieutenant, Captain, Deputy Chief, Chief) if the delay caused by the procedures set forth above would adversely affect an investigation.

Letters shall bear the following legend in the upper left hand corner: "In reply, please refer to our File No._____, Inv._____.

Correspondence prepared for the signature of the District Attorney shall be forwarded, with all enclosures, through the chain of command to the Chief.

If the contents of the letter are not self-explanatory, a brief memorandum of explanation shall be attached. All outgoing correspondence shall be prepared in accordance with the District Attorney's current policy.

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# Retired Investigator CCW Endorsements

## 206.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired investigators of this department.

## 206.2 QUALIFIED RETIREES

Any full-time sworn investigator of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, it shall not include any investigator who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any investigator retiring because of a psychological disability (Penal Code § 26305).

## 206.3 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired investigators of this department may be authorized to carry a concealed weapon in other states.

### 206.3.1 REQUIREMENTS FOR CARRYING A FIREARM OUT OF STATE

In order to be authorized to carry a concealed weapon in other states, the retiree shall (18 USC 218, § 926(c):

(a) Posses an identification card with a CCW Approved endorsement pursuant to this policy manual under section 220.2.

(b) Qualify annually under the supervision of the Bureau's Range Master. Accomodations for retirees who reside out-of-state and wish to qualify locally can be made by contacting the Bureau Administrative Division.

(c) Remain subject to all relative department rules and policies as well as federal, state and local laws.

### 206.3.2 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired investigator shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

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(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

### 206.4 DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT

The CCW endorsement for any investigator retired from this department may be denied or permanently revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief when the conduct of a retired peace officer compromises public safety. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that a CCW endorsement is initially denied, the retired investigator shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement/time waiver between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

2. The hearing, absent written time waiver agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) The hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members; one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

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### 206.4.1 ADMINISTRATIVE DIVISION RESPONSIBLITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Administrative Division as soon as practical. The Administrative Division shall take the following steps in these instances:

(a) Take appropriate steps to promptly look into the matter.

(b) If warranted, contact the retiree in person and advise him/her in writing of the following:

1. The retiree's CCW endorsement is immediately and temporarily revoked.
2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
3. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.

(d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Administrative Division should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Administrative Division may request that a peace officer of that agency act as the Department's agent to deliver the written notification.

(e) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

(f) The Administrative Division should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief.

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# Chapter 3 - General Operations

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# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Electrical Weapon policies.

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

**Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the investigator or another person (Government Code § 7286(a)).

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a reportable use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Serious bodily injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

**Totality of the circumstances** - All facts known to the investigator at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

### 300.1.2 THE "OBJECTIVELY REASONABLE" STANDARD

The Bureau's Use of Force Policy is based on the "objectively reasonable" standard established by the Supreme Court decision Graham v. Conner, 490 U.S. 386 (1989):

*Determining whether the force used to effect a particular seizure is "reasonable" under the Fourth Amendment requires a careful balancing of "the nature and quality of the intrusion on the individual's Fourth Amendment interests" against the countervailing governmental interests at stake. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. With respect to a claim of excessive force, the same standard of reasonableness at the moment applies: "Not*

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*every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers," violates the Fourth Amendment. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation. As in other Fourth Amendment contexts, however, the "reasonableness" inquiry in an excessive force case is an objective one: the question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.*

The Bureau of Investigation's Use of Force Policy has been established to ensure that the force options selected by an investigator is both reasonable and effective in accomplishing these lawful goals. This written policy is also intended to provide additional confidence and support to investigators in making their decisions regarding use of force in the field.

*"Other than random attacks, all such cases begin with the decision of a police officer to do something, to help, to arrest, to inquire. If the officer had decided to do nothing then no force would have been used. In this sense the police always causes the trouble. But it is trouble which the police officer is sworn to cause, which society pays him to cause and which, if kept within constitutional limits, society praises the officer for causing." Plakas v. Drinski*

It should be every investigator's goal to resolve incidents peacefully and without conflict. Bureau members should endeavor to de-escalate confrontations through communication, warnings, and other common sense methods to mitigate or prevent the need to use force when possible. Unfortunately, that will not always be the case. In those situations where pre-planning, strategy, superior tactics, tactical communication, and professional presence do not get the job done, we have a duty to choose a reasonable force option that will. The word "force" is part of the very title of our profession: Law Enforcement.

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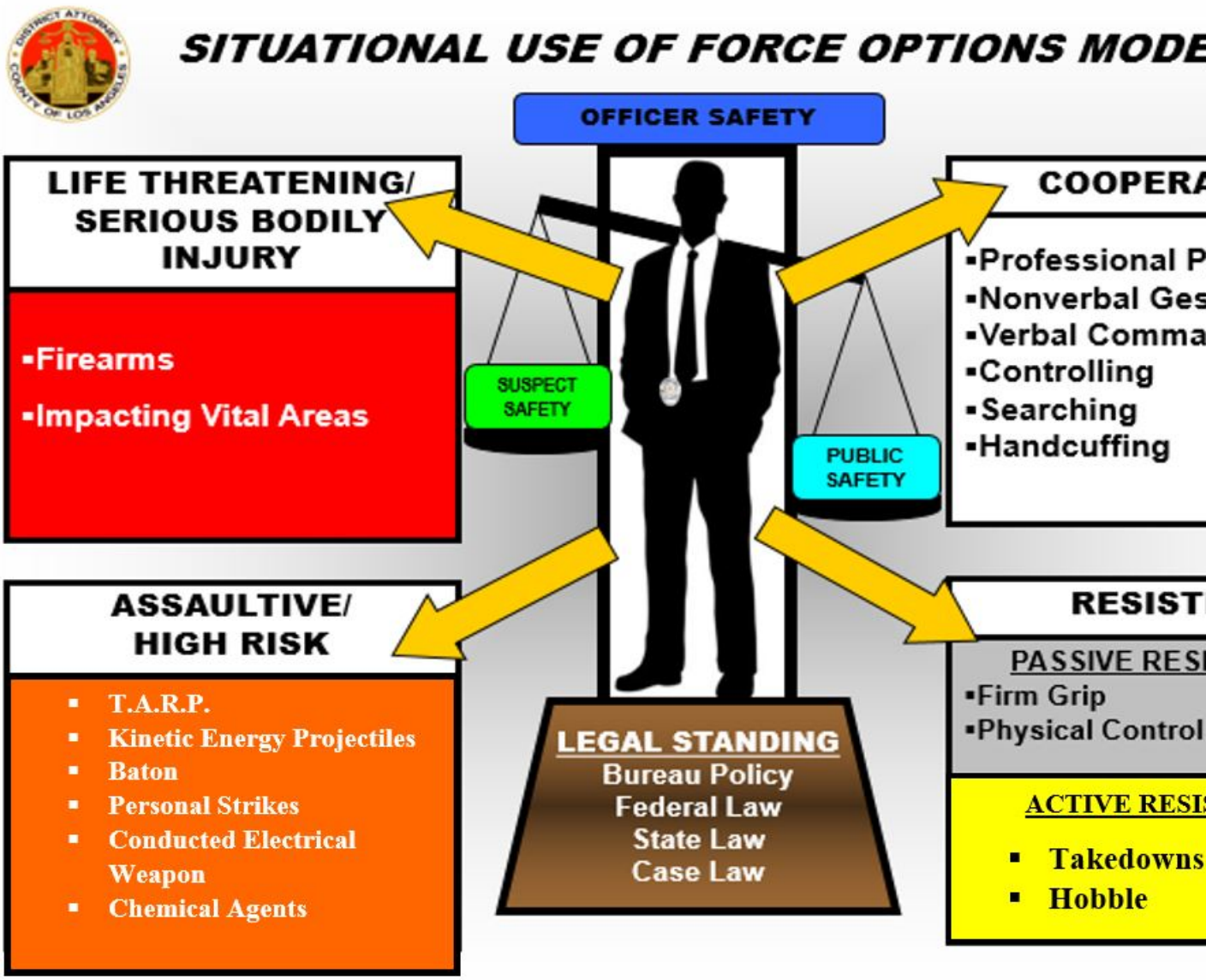
### 300.1.3 SITUATIONAL USE OF FORCE OPTIONS MODEL




The Situational Use of Force Options Model was designed to be a visual aid that depicts the Bureau's Use of Force policy with respect to options available to investigators when they encounter situations where force may be required.

The Bureau of Investigation authorizes its investigators to use force to effect arrests, overcome resistance, prevent escape, and to protect against serious injury or death. The type and amount of force used is based on the investigator's reasonable assessment of the perceived threat, and the proper selection of an appropriate force option. The model is not intended to be a continuum or an escalation/de-escalation scale; but rather a representation of a flexible array of options available to the investigator to properly select and apply an appropriate force option to address a perceived situational threat.

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The model is designed to be interpreted in the following manner:

In the performance of duty, an investigator will be presented with particular facts that they must analyze and then compare with what they must do according to law, Bureau policy or in self-defense. These facts, taken as a whole, should lend themselves to categorization into one of four general types of individual behavior identified with respect to potential suspect contacts:

- Cooperative
- Resistive
- Assaultive/High Risk
- Life Threatening/Serious Bodily Injury

Each category of behavior is analyzed for the type of force response that may be appropriately applied if force is perceived to be necessary by the investigator.

The investigator's perception of the incident and analysis of the facts will be influenced by a number of factors, including the following:

- The investigator's understanding of State and Federal laws, case law and Bureau policy. This constitutes what is referred to as legal standing.
- Bureau related training and other non-Bureau training experiences.
- Prior experience(s).
- Factors regarding the suspect such as comparative size, level of intoxication, mental/physical conditioning, available weapons, number of suspects, knowledge of the suspect, perceived suspect self-defense capabilities, etc.
- Individual investigator's size, strength, personal fitness level, self-defense capabilities, and self-confidence in their abilities.
- Any and all factors which influence the investigator's perception of the incident, threat assessment, etc.

The Situational Use of Force Options Model is composed of:

The image of an investigator at the threshold of a doorway standing upon a base, which symbolizes the investigators "Legal Standing," consisting of Bureau Policy, State Law, Federal Law, and Case Law. The investigator comes to the doorway threshold with his prior knowledge of the subject (e.g. prior contacts, criminal history, informants, etc.) and what his/her current observations of the suspect's behavior are.

The investigator is also depicted to represent the center post of a balance scale, emblematic of the "Scales of Justice." Over the investigator's head appear the words "Officer Safety" to symbolize the center pivot point of the scales. Upon the investigator's shoulders rests the beam of the balance scale, with "Violator Safety" in the left pan, and "Public Safety" in the right pan. The pan containing "Public Safety" is lower to indicate that the consideration of the public's safety outweighs that of the violator's safety; and both must be balanced upon the primary consideration of the officer's individual safety. The placement of the beam is also symbolic of the obligation that

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each investigator has to "shoulder the burden of responsibility" to use only the reasonably just and necessary level of force to address a perceived situational threat.

The central image of the investigator is surrounded by four boxes, each representing a perceived situational threat and a series of corresponding force options. Use of force incidents, by their very nature, are dynamic encounters that require a peace officer to continuously evaluate and re-evaluate changing conditions as they unfold and determine if the type and level of force is appropriate or must be adjusted to address the perceived threat.

The arrows emanating from the figure in the middle of the chart depict how the investigator may choose any of the options available depending upon what they perceive about the incident (i.e. what behavior or change in behavior is perceived). Escalation/de-escalation is achieved via the changing perceptions of the investigator involved and the guidelines provided (i.e. force options identified to address each behavior exhibited by an individual.) Once again, the investigator's perceptions and actions are based upon all the information they take into the incident. This is guided by the knowledge, understanding and confidence level the investigator has with respect to the potential options available to them depending on the subject's perceived actions.

The model is not intended to be a continuum or an escalation/de-escalation scale; but rather a representation of a flexible array of options available to the investigator to properly select and apply an appropriate force option to address a perceived situational threat.

The model is a situation-based, fluid instrument that reflects the Bureau's philosophy of respecting the value of human life and dignity while illustrating the dynamics of a confrontational situation. An investigator may go directly to any option provided the force option selected is reasonable, and has the flexibility to escalate, de-escalate or maintain an appropriate level of force until complete control is achieved.

The Bureau's Situational Use of Force Options Model is an adaptable instrument which allows the investigator to select the appropriate force option based on a reasonable assessment of a situation. It reflects the Bureau's reverence for the value of human life, and the dignity and civil rights of all individuals; while also recognizing the dynamics of a potentially violent confrontational situation. This model is intended to provide the versatility to adjust or maintain the appropriate level of force until a situation can be safely and completely brought under control.

The model is a simplified representation of the Bureau's Use of Force Policy intended to enhance the individual investigator's conceptualization of the utilization and application of force given a specific situation or set of circumstances. The Bureau of Investigation Use of Force Policy must be read and understood in its entirety.

**COOPERATIVE**

The cooperative category is defined as: Interaction with another person to achieve a particular goal. No physical force is needed to gain cooperation.

Cooperative individuals respond in a positive way to command presence and are easily directed with verbal requests and commands. Those that require control or searching allow this to take

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place with no resistance. General control of cooperative individuals is often achieved by the use of non-verbal actions such as gestures, stance, and facial expressions.

The options available to an investigator within this level are designed to gain compliant behavior. Some of the options reasonably considered within this level of force include:

- Non-Verbal - That which is expressed without the use of words (gestures, posturing, facial expressions, etc.).
- Professional Presence - Visual appearance and confidence projected to others by physical condition, hygiene, uniform/clothing appearance.
- Verbal - That which is communicated by the use of words (inflection, pitch).
- Control/Search.

To control in a case and manner authorized by law (firm grip, escort, wrist locks, etc.).

To visually/physically examine a person for contraband/weapons concealed (visual and cursory).

To restrain a person by use of authorized handcuffs (standing, kneeling, and prone).

**RESISTIVE**

The resistive category is defined as: Physical or verbal refusal to cooperate with lawful commands through resistive behavior. There are two categories or resistance: passive and active.

- Passive Resistance: A passive resistor is generally non-compliant and will not resort to physical defiance in order to prevent an investigator from achieving lawful control. The individual has refused to follow lawful orders given by the investigator. If the resistance is passive, (e.g. laying down, sitting, etc.) this individual is likely to require verbal directives combined with some degree of physical contact in order to gain compliance.

Some options reasonably considered to control a passive resistor include Bureau approved:

- o Firm grip (i.e. escort and/or directional contact usually to subject's arm/shoulder).
  - o Physical control holds.
- Active Resistance: An actively resistant individual will exhibit an indifference to lawful control through physical defiance.

Some options reasonably considered to control an active resistor include Bureau approved:

- o Physical control holds - To restrain the movements of another by utilizing arms and hands, escort, wrist locks, etc.
  - o Takedowns.
  - o Hobble restraint to control subjects' legs (Not the Total Appendage Restraint Procedure).

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**ASSAULTIVE / HIGH RISK**

In the Assaultive/High-Risk category, the likelihood of injury is obvious due to deliberate assaultive actions or significant threatened actions. These actions or threatened actions are so obvious as to make a reasonable investigator realize they must do something to defend themselves, or others.

- Assaultive: The physical assault may occur in response to attempts by an investigator to gain lawful compliance or as an unprovoked attack. The assaultive suspect is one who has crossed the line of resistance and is threatening an assault, attempting to assault, or physically assaulting the Bureau member or another person.
- High-Risk: A situation in which the totality of articulated facts causes a reasonable investigator to form the opinion that a significant credible threat of violence exists.

This category deals with high-risk situations (e.g. a violent felony charge, history of violence, felony traffic stop, the suspect has been known to fight law enforcement or resist arrest). A high risk suspect may also be one who willfully refuses to comply with an investigator's lawful commands. In such cases, use of weapons or techniques in this category against a non-compliant or resistive high risk suspect would be an acceptable alternative to prevent possible injury to Bureau personnel or others.

In this category, the actions (or potential action) of a suspect are so obvious as to make a reasonable investigator realize that they must do something to defend themselves or another and employ options to safely control the situation and effect an arrest.

Some of the force options reasonably considered to control an assaultive/high risk individual includes Bureau approved:

- Personal weapons - Punches, kicks, elbows, knees, etc.
- Impact weapons - PepperBall (direct fire), baton strikes.
- Conducted Electrical Weapon (Taser).
- Total Appendage Restraint Procedure (TARP).
- Chemical agents - Authorized chemical sprays such as Oleoresin Capsicum (OC ) or exposure to PepperBall PAVA (pepper) agents.

**LIFE -THREATENING / SERIOUS BODILY INJURY**

There is a reasonable expectation of imminent serious bodily injury or death to an investigator or others when an individual exhibits life-threatening behavior.

The life-threatening category encompasses actions that are likely to result in serious injury or possibly in the death of Bureau personnel or of another. Utilizing firearms or impact/personal weapons to vital areas of the body would be reasonable to employ at this level in self-defense, the defense of others, and in conjunction with other available options to ultimately gain control of the situation.

Some of the force options reasonably considered to control the life-threatening/serious bodily injury individual includes:

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- Impacting vital areas - Striking an individual in the head, neck, throat, spine or groin with any impact weapon.
- Use of Authorized Firearms

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Investigators are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Investigators must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting investigators with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 300.2.1 DUTY TO INTERCEDE

Any investigator present and observing another law enforcement officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable investigator under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each investigator should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

### 300.2.2 FAIR AND UNBIASED USE OF FORCE

Investigators are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)).

### 300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any investigator who observes a law enforcement officer use force that potentially exceeds what the investigator reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

## 300.3 USE OF FORCE

Investigators shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the investigator at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable investigator on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that investigators are often forced to make split-second decisions about the amount of

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force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an investigator might encounter, investigators are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Investigators may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which investigators reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the department. Investigators may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an investigator to retreat or be exposed to possible physical injury before applying reasonable force.

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an investigator be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an investigator has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)).

These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to investigators or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the investigator at the time (Penal Code § 835a).

(c) Investigator/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of investigators available vs. subjects).

(d) The conduct of the involved investigator leading up to the use of force (Penal Code § 835a).

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(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual’s apparent ability to understand and comply with investigator commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the investigator.

(m) Potential for injury to investigators, suspects, bystanders, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the investigator.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the investigator or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Investigators may only apply those pain compliance techniques for which they have successfully completed department-approved training. Investigators utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the investigator.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the investigator determines that compliance has been achieved.

### 300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Investigators of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which

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pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 RESTRICTIONS ON THE USE OF A CHOKE HOLD
Investigators of this departmentare not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION
As time and circumstances reasonably permit, and when community and officer safety would not be compromised, investigators should consider actions that may increase investigator safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding investigators before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase investigator jeopardy.

In addition, when reasonable, investigators should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).

Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 USE OF FORCE TO SEIZE EVIDENCE
In general, investigators may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, investigators are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, investigators should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Investigators are encouraged to use techniques and methods taught by the Los Angeles County District Attorney's Office Bureau of Investigation for this specific purpose.

## 300.4 DEADLY FORCE APPLICATIONS

Where feasible, the investigator shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the

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investigator has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable investigator would consider it safe and feasible to do so under the totality of the circumstances, investigators shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, investigators should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the investigator reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

(a) An investigator may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the investigator or another person.

(b) An investigator may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the investigator reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Investigators shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable investigator would believe the person does not pose an imminent threat of death or serious bodily injury to the investigator or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable investigator in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the investigator or another person. An investigator’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, investigators should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An investigator should only discharge a firearm at a moving vehicle or its occupants when the investigator reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the investigator or others (Government Code § 7286(b)).

Investigators should not shoot at any part of a vehicle in an attempt to disable the vehicle.

### 300.4.2 DISPLAYING OF FIREARMS

Investigatorsshould carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

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(a) If the investigator does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the investigator reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the investigator no longer perceives such threat.

## 300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this Department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The investigator should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

### 300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable investigator to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a CEW or control device (Policy 302).

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

### 300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section policy.

## 300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained investigators should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

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Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the investigator's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another investigator and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling investigator shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the investigator reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple investigators to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Investigators who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

## 300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

(a) Obtain the basic facts from the involved investigators. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.

2. The fact that a recorded interview was conducted should be documented in a property or other report.

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3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 LIEUTENANT RESPONSIBILITY

The lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

## 300.8 TRAINING

Investigatorsand supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Sergeant should ensure that investigators receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

## 300.9 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

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### 300.10 POLICY REVIEW

The Chief or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

### 300.11 POLICY AVAILABILITY

The Chief or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

### 300.12 PUBLIC RECORDS REQUESTS

Requests for public records involving an investigator’s personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

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# Handcuffing and Restraints

## 301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 301.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 301.3 USE OF RESTRAINTS

Only members who have successfully completed Los Angeles County District Attorney's Office Bureau of Investigation-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, investigators should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

### 301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of investigators and others. When deciding whether to remove restraints from a detainee, investigators should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, investigators or others (Penal Code § 3407; Penal Code § 6030).

301.3.3 RESTRAINT OF JUVENILES
A juvenile who appears to be under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the investigator has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the investigator or damage property.

301.3.4 NOTIFICATIONS
Whenever an investigator transports a person with the use of restraints other than handcuffs, the investigator shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the investigator reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to or during transportation, to the jail.

## 301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Bureau. Investigators should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, investigators should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, investigators should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

## 301.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

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Notification to a supervisor shall be made for any application of a restraint device other than handcuffs, shackles or belly chains as soon as practicable.

### 301.6 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, investigators should consider:

(a) Whether the investigator or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the investigator's vehicle, running away from the arresting investigator while handcuffed, kicking at objects or investigators).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the investigator's vehicle).

### 301.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, and the circumstances of the detention were not documented in a report, the investigator shall document the details of the detention and the need for handcuffs or other restraints in a report or memo.

If an individual is arrested, the use of restraints other than handcuffs (i.e. zip-tie restraints, T.A.R.P. restraint) shall be documented in the related report. The investigator should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

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# Control Devices and Techniques

## 302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

## 302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Los Angeles County District Attorney's Office Bureau of Investigation authorizes investigators to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

## 302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief or the authorized designee.

Only investigators who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, investigators should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

## 302.4 RESPONSIBILITIES

### 302.4.1 SUPERVISOR RESPONSIBILITIES

The sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

### 302.4.2 RANGEMASTER RESPONSIBILITIES

Under the direction of the Adminstrative Captain, the Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

### 302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with a copy of the memorandum to the Chief explaining the cause of the damage, shall be returned to the Rangemaster for disposition. The Rangemaster shall prepare an Application for Authority to Dispose of Surplus Property and forward it through the chain of command, when appropriate, explaining the cause of damage.

See attachment: APPLICATION FOR AUTHORITY TO DISPOSE OF SURPLUS PROPERTY.pdf

## 302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## 302.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

### 302.6.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

### 302.6.2 PEPPERBALL LAUNCHING DEVICE

PepperBall projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a PepperBall Launching Device (PLD) should not intentionally target those areas, except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

Investigators encountering a situation that warrants the use of a PLD shall notify a supervisor as soon as practicable. A supervisor shall respond to all PLD incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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Each deployment of a PLD shall be documented. Accidental discharges shall be promptly reported to a supervisor and documented in a memorandum to the Chief of the Bureau of Investigation through their chain-of-command. Only non-incident use of a PLD, such as training and product demonstrations, is exempt from the reporting requirement.

The PLD can effectively be utilized to control animals which pose an immediate threat to the safety of the public or Bureau of Investigation personnel. If an animal is injured by a PLD and appears to be in need of veterinary care (eg. eye injury), Animal Control shall be contacted by Bureau personnel.

302.6.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with cool clean water and fresh air to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

## 302.7 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, investigators should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

302.7.1 SAFETY PROCEDURES

Weapons systems designated for the use of kinetic energy projectiles will be specially marked as such.

Investigators carrying kinetic energy projectile weapons should inspect the weapon at the beginning of each shift to ensure that it is in proper working order and loaded only with approved projectiles.

## 302.8 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.8.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Investigators are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved investigator determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and investigators takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or investigators.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.8.2 DEPLOYMENT CONSIDERATIONS
Before discharging projectiles, the investigator should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of investigators or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other investigators and individuals that the device is being deployed.

Investigators should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, investigators are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

## 302.9 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the investigator's training file.

(c) Investigators who fail to demonstrate proficiency with the control device or knowledge of the Bureau's Use of Force Policy will be provided remedial training. If an investigator cannot demonstrate proficiency with a control device or knowledge of the Bureau's Use of Force Policy after remedial training, the investigator will be restricted from carrying the control device and may be subject to discipline.

## 302.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## 302.11 CAROTID RESTRAINT

Per General Office Memorandum (GOM) 20-081, Bureau Chief's Directive (BCD) 20-010, and California Peace Officer Standards and Training order, the carotid control hold/restraint is decertified and unauthorized until further notice.

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# Conducted Electrical Weapons

## 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Electro-Muscular Disruption Technology (EMDT) through the deployment of the Bureau approved Conducted Electrical Weapons (CEW), also commonly known as a Taser, manufactured by Taser International. For the purposes of this policy, any further mentioning or reference to any EMDT device shall mean CEW, and will henceforth be referred to as such.

## 303.2 POLICY

The Conducted Electrical Weapon (CEW), is a non-lethal hand held electronic device that uses electrical currents to control suspects. The CEW is intended to control an assaultive/high risk individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to investigators and suspects.

## 303.3 ISSUANCE AND CARRYING EMDTS

Only members who have successfully completed Bureau-approved CEW training may be issued and carry the CEW.

CEWs are issued for use during a member's current assignment. Those leaving a particular assignment will be required to return the device to their Section's inventory.

Investigators shall only use the CEW and cartridges that have been issued by the Bureau. Specific serial numbered cartridges are issued for each CEW. A memorandum to the Chief shall be written regarding any missing cartridges prior to their replacement.

Investigators who have been issued the CEW shall wear the device in a Bureau approved holster.

Prior to going into the field, investigators carrying the CEW should perform a spark test on the unit to ensure it is functioning properly.

Investigators shall carry the CEW in a holster on their support-side which will require that the CEW be initially drawn with the support hand or cross draw from the support-side with the strong hand. If the support hand draw is preferred, the CEW may then be transferred to the strong hand if desired. The support-side draw or cross draw methods are both acceptable.

(a) All CEWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, investigators should carry two or more cartridges on their person when carrying the CEW.

(c) Investigators shall be responsible for ensuring that their issued CEW is properly maintained and in good working order.

(d) Investigators should not hold both a firearm and the CEW at the same time.

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## 303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of investigators or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other investigators and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an investigator's lawful orders and it appears both reasonable and feasible under the circumstances, the investigator may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device [Taser X2]), or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the investigator deploying the CEW in the related report.

## 303.5 USE OF THE CEW

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, investigators should be aware that the device may not achieve the intended results and should be prepared with other options.

### 303.5.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the investigator at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is displaying potentially assaultive behavior to investigators or others.

(b) The subject has demonstrated, by words or action, an intention to be violent and it reasonably appears to present the potential to harm investigators, themselves or others.

Mere flight from a pursuing investigator, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

### 303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the investigator, the subject or others, and the investigator reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

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(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

(g) Individuals in or near any body of water that may present a drowning risk.

(h) Persons known to have a pacemaker.

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between investigators and the subject, thereby giving investigators time and distance to consider other force options or actions. The CEW shall not be used to psychologically torment, elicit statements or to punish any individual.

### 303.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the investigator to limit the application of the CEW probes to a precise target area, investigators should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 303.5.4 MULTIPLE APPLICATIONS OF THE CEW

Investigators should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the investigator reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the investigator should consider certain factors before additional applications of the CEW, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective. Investigators should generally not intentionally apply more than one CEW at a time against a single subject.

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303.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Investigators shall notify a supervisor of all CEW discharges. Anti-Felon Identification (AFID) tags (confetti-like identification tags) should be collected along with the expended cartridge, both probes and wire and be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. The expended cartridge and its' contents should be retained until all potential for criminal and/or civil litigation has expired.

303.5.6 DANGEROUS ANIMALS
The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

Animal Control shall be contacted if an animal is seriously injured.

303.5.7 TASER
Law enforcement officers are only authorized to carry CEWs in the aircraft passenger cabin when performing prisoner transport. Otherwise, CEWs may be placed in checked baggage.

303.5.8 OFF-DUTY CONSIDERATIONS
Investigators are not authorized to carry Bureau issued CEWs while off-duty.

Investigators shall ensure that CEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

**303.6 DOCUMENTATION**
With the exception of the "spark test" conducted prior to field deployment of an CEW, investigators shall document all intentional CEW discharges in the related investigator's report. If no crime occurred, a memorandum to the Chief shall be written. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Investigators may demonstrate a "sparking" of the CEW or a "laser demonstration" in an effort to gain voluntary compliance of a subject. A laser demonstration occurs when the laser is directed at a suspect's body. Investigators utilizing the spark or laser demonstration shall document this in the related investigator's report. Investigators shall document all negligent CEW discharges in a memorandum to the Chief of the Bureau describing the circumstances of the incident.

See attachment: CEW Use of Force Report Field Notes Oct 2013.pdf

303.6.1 CEW FORM
Items that shall be included in reports regarding CEW usage are:

(a) The type and brand of CEW, cartridge type and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any laser or arc demonstration was used and if it deterred a subject and gained compliance.

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(d) The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CEW was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any investigators sustained any injuries.

(m) Identification of all personnel firing CEWs.

(n) Identification of all witnesses.

(p) Observations of the subject's physical and physiological actions.

(q) Any known or suspected drug use, intoxication or other medical problems.

Whenever the use of an CEW requires force reporting, a download of the CEW stored data shall be conducted and submitted with the force reports.

The Training Sergeant should periodically analyze CEW usage reports to identify trends, including deterrence and effectiveness. The Training Sergeant should also ensure audits of data downloads are conducted and reconcile CEW reports with recorded activations.

### 303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed at a medical facility for an "OK to Book" clearance prior to booking.

Additionally, any such individual who falls under any of the following categories shall, as soon as practicable, be examined by paramedics or other qualified medical personnel and be transported to a medical facility for examination or medically evaluated prior to booking:

(a) Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds).

(b) The person may be pregnant.

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(c) The person reasonably appears to be in need of medical attention.

(d) The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

(f) The person is suspected of being under the influence of controlled substances and/or alcohol.

(g) The discretion of the investigator or supervisor on scene.

If any individual refuses medical attention, such a refusal should be witnessed by another investigator and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible. The transporting investigator shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

## 303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port and submitted with the related investigator's report. Photographs of probe sites should be taken and witnesses interviewed.

## 303.9 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall review the CEW device PowerPoint presentation, available on LADAnet, and satisfactorily demonstrate to their supervisor the ability to conduct a spark test and safely handle a CEW prior to fielding the device.

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an investigator's knowledge and/or practical skill may be required at any time if deemed appropriate by their supervisor. A Bureau CEW certified instructor shall conduct remediation training if necessary. All training and proficiency for CEWs will be documented in the investigator's training file.

Command staff, supervisors and investigators should receive CEW training as appropriate for the investigations they conduct and review.

The Training Sergeant is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification. The Training Sergeant should ensure that all training includes:

(a) A review of this policy.

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(b) A review of the Bureau Use of Force Policy.

(c) Performing weak-hand draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the CEW and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the CEW.

### 303.10 CEW STORAGE

When not issued to an investigator, the CEW shall be stored in a secure location to prevent theft or misuse. To prevent negligent discharges, the CEW shall be stored "unloaded" with no cartridges attached to the CEW.

### 303.11 CEW MAINTENANCE

Section Lieutenants shall ensure that an inspection of the CEWs and data downloads documenting the usages of CEWs assigned to their sections are conducted annually.

Only a certified Taser Technician should conduct CEW maintenance or repairs.

See attachment: CEW Use of Force Report Field Notes Oct 2013.pdf

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# Officer-Involved Shootings and Deaths

## 304.1 PURPOSE AND SCOPE

The intent of this section is to establish policy and general guidelines for the investigation of an incident in which a person is injured as the result of a police shooting and to ensure that such incidents be investigated in a fair and impartial manner.

## 304.2 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may relinquish its criminal investigation to an outside agency with the approval of the Chief, Deputy Chief, or a Division Captain

(b) A criminal investigation of the involved officer(s) conducted by an outside agency.

(c) A civil investigation to determine potential liability conducted by the involved officer's agency.

(d) An administrative investigation conducted by the involved officer's agency, to determine if there were any violations of department policy.

## 304.3 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s).

### 304.3.1 INVESTIGATION RESPONSIBLITY

The criminal investigation of the officer-involved shooting will be detemined by the agency where the incident occured. The District Attorney's Office will be responsible for any civil and/or administrative investigation(s).

## 304.4 INVESTIGATION PROCESS

The following are general guidelines used in the investigation of an officer-involved shooting or death.

### 304.4.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should consider:

(a) Take reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(b) Attempt to obtain a public safety statement from any non-shooter investigator(s).

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1. In the event that there are no non-shooter investigators, the supervisor may attempt to obtain a public safety statement from one shooter investigator.

(c) If necessary, the supervisor may administratively order any investigator from this department to immediately provide public safety information necessary to secure the scene and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of shots fired, perimeters of the incident scene, identity of known witnesses and similar information.

(d) Absent a voluntary statement from any investigator(s), the initial on scene supervisor should not attempt to order any investigator to provide other than public safety information.

(e) Provide all available information to the Division Captain, Lieutenant, and the DA Command Center.

(f) Take command of and secure the incident scene with additional personnel until relieved by a superior officer or other agency supervisor if the incident occurred in another jurisdiction.

(g) As soon as practical, shooter investigators should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved investigator should be given an administrative order not to discuss the incident with other involved investigators pending further direction from a supervisor.

2. When an investigator's weapon is taken or left at the scene (e.g., evidence), the investigator will be provided with a comparable replacement weapon or transported to the station by other investigators.

### 304.4.2 LIEUTENANT DUTIES

Upon learning of an officer-involved shooting, the Lieutenant shall be responsible for coordinating all aspects of the incident until relieved by the Chief, Deputy Chief, or a Division Captain.

### 304.4.3 NOTIFICATIONS

The following person(s) shall be notified as soon as practical:

- Chief
- Deputy Chief
- Involved Investigator's Division Captain
- District Attorney OIS roll out team
- Internal Affairs Unit Sergeant
- Psychological/Peer support personnel
- Coroner (if necessary)
- Investigator's family or emergency contact designee

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- Investigator representative (if requested)

All outside inquiries about the incident shall be directed to the involved investigator's Division Captain.

### 304.4.4 MEDIA RELATIONS

A single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. All inquiries from the media shall be referred to the the Chief of the Media Relations Division.

It will be the policy of this department to not release the identities of involved investigators absent their consent or as required by law. Moreover, no involved investigator shall be subjected to contact from the media (Government Code § 3303(e)) and no involved investigator shall make any comments to the press unless authorized by the Chief, Deputy Chief, or a Division Captain.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

### 304.4.5 INVOLVED INVESTIGATORS

Once the involved investigator(s) have arrived at the station, a supervisor should admonish each investigator that the incident shall not be discussed except with authorized personnel or legal representatives. The following shall be considered for the involved investigator:

(a) Any request for department or legal representation will be accommodated, however, no involved investigator(s) shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report (Government Code § 3303(i)).

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with legal representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.

(d) A psychotherapist shall be provided by the Department to each involved investigator, or any other investigator, upon request.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the investigator is or is not fit for return to duty.

    2. An interview or session with a licensed psychotherapist may take place prior to the involved investigator providing a formal interview or report, but the involved investigator(s) shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness investigator.

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Care should be taken to preserve the integrity of any physical evidence present on the investigator's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

On-scene investigators/officers shall make reasonable accommodations to the investigator's physical and emotional needs (Government Code § 3303(d)).

Each involved investigator shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the sergeant to make schedule adjustments to accommodate such leave.

### 304.5 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential peace officer personnel file.

(a) If any investigator has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved investigator.

1. If a further interview of the investigator is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved investigator shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s) (Government Code § 3303(g))

(b) In the event that an involved investigator has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the investigator'(s) physical and psychological needs have been addressed before commencing the interview.

2. If requested, the investigator shall have the opportunity to select an uninvolved representative to be present during the interview (Government Code § 3303(i)). However, in order to maintain the integrity of each individual investigator's statement, involved investigators shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interview(s) should be recorded by the investigator conducting the interview (the involved investigator may also record the interview) (Government Code § 3303(g)).

4. The investigator shall be informed of all constitutional *Miranda* rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The investigator shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (The *Lybarger* or *Garrity* admonishment).

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5. The administrative interview shall be considered part of the investigator's confidential personnel file.
6. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

### 304.6 AUDIO AND VIDEO RECORDINGS

Any investigator involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or County Counsel's Office as appropriate.

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# Knives

## 305.1 PURPOSE AND SCOPE

This policy provides guidelines for the carrying and use of knives by investigators.

## 305.2 USE AND CARRY OF KNIVES

A knife is primarily intended to be used in the field as a tool for investigators to cut or pry materials in the course of their duties. Under extreme circumstances and in the absence of more suitable options, a knife may be used as a weapon of necessity in a lethal force situation.

Investigators may carry a knife on their person while on duty. The blade of the knife shall not exceed 6.5 inches, and the overall length of the knife shall not exceed 11.5 inches. A knife carried on duty shall be concealed or secured in a manner consistent with its design, and to prevent unauthorized access by others.

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# Firearms

## 306.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use, and documentation of training in the use of firearms. The Chief or his/her designee shall approve all Department firearms before they are acquired and utilized by any member of this department.

## 306.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemaster or designee during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

All other weapons including but, not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the Chief of the Bureau of Investigation, as provided by the Rangemaster. This exclusion does not apply to the carrying of knives that are not otherwise prohibited by law.

### 306.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock Models 17/19, 9mm.

Other handguns of various brands, models, and calibers have been approved for on-duty use. Investigators shall consult with the Rangemaster for a complete list of approved handguns.

### 306.2.2 AUTHORIZED CARRY OF ADDITIONAL HANDGUNS

Investigators desiring to carry additional firearms are subject to the following restrictions:

(a) The handgun(s) shall be in good working order and on the department's list of approved firearms.

(b) For regular duty, in addition to your Bureau issued handgun, up to three additional handguns may be authorized.For duty use the authorized handguns shall be chambered in 9mm Luger,.40 S&W, or.45ACP caliber.

(c) The purchase of the secondary handgun(s) shall be the responsibility of the investigator.

(d) A secondary handgun(s) shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control while on-duty.

(e) The handgun(s) shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Rangemaster shall approve the ammunition.

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(g) Prior to carrying the secondary handgun(s), personnel shall qualify under range supervision and thereafter shall qualify annually in accordance with the department qualification schedule. Investigators must demonstrate proficiency and safe handling, and that the firearm functions properly.

(h) Personnel shall provide written notice of the make, model, color, serial number, and caliber of all secondary handguns to the Rangemaster.

### 306.2.3 AUTHORIZED OFF-DUTY FIREARM

The carrying of firearms by sworn investigators while off-duty is permitted by the Chief, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn investigators who choose to carry a firearm while off-duty, based on their authority as a peace officer, will be required to meet the following guidelines:

(a) The firearm shall be of good quality and workmanship and approved by the Department.

(b) The purchase of the firearm and annual non-issued ammunition shall be the responsibility of the investigator.

(c) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.

(d) It will be the responsibility of the investigator to submit the firearm to the Rangemaster for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(e) Prior to carrying any off-duty firearm, the investigator shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(f) The investigator will successfully qualify with the firearm prior to it being carried and thereafter shall qualify annually. The range qualification dates will be specified by the Rangemaster.

(g) A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster.

(h) If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the investigator meets all the requirements set forth in this policy for each firearm used.

(i) Investigators shall only carry department-authorized ammunition.

(j) When armed, off-duty investigators shall carry their Departmental Identification.

### 306.2.4 AMMUNITION

Investigators shall carry only department-authorized ammunition. Investigators shall be issued fresh duty ammunition in the specified quantity for all department approved firearms annually. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established policy.

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306.2.5 AUTHORIZED OPTIONAL FIREARMS ON &/OR OFF DUTY
I. On-Duty Firearms

If an investigator chooses to carry their own firearm, while on duty the following rules shall apply:

A. A firearm for primary use must be selected from the following list of authorized optional firearms and be chambered in 9mm Luger, .40 S&W, or .45 ACP caliber:

1. Glock;

Any double action model (non-compensated).

2. Smith and Wesson (M&P series pistols);

Any double action model (non-compensated).

3. Sig Sauer;

Any double action model or any model designed to be carried cocked and on safe.

4. Heckler and Koch (H&K);

Any double action model or any model designed to be carried cocked and on safe.

5. Staccato (S.T.I.);

Any double action model or any model designed to be carried cocked and on safe.

Any firearms not listed above and previously approved prior to January 1, 2021 will be permitted for on-duty and/or off-duty carry if the following have been met:

(a) The weapon was inspected prior to January 1, 2021 and will continue to be inspected every 5 years.

(b) The investigator qualified with the firearm within the last 12 months and shall continue to qualify with the firearm on an annual basis.

(c) Any desired brands and model of firearms not appearing on this list may be submitted in a staff report, through the Rangemaster and addressed to the Chief for consideration. After review and determination that a specific model meets our department standards for safety and mechanical reliability, and armorer courses are available by the manufacturer, it may be added to the list.

All authorized firearms shall meet the following standards:

(a) The weapon must have a trigger weight of at least 4 pounds.

(b) All factory incorporated safeties must be in good working order.

(c) Authorized range staff shall inspect each weapon for proper mechanical safety operation prior to the weapon being carried in the field. Each inspection will be recorded in writing and maintained by the training officer showing make, model, serial number, measured trigger weight, working conditions of safety mechanism, and detailed descriptions of any modification from factory standard, including sights, grips, and finish.

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(d) No modification may be made, or accessories mounted, on the weapon without the prior permission of, and re-inspection by,the Rangemaster or designee.

(e). The Rangemaster or designee shall inspect the weapon at least once every five years, and may re-inspect the weapon at any time. Weapons must be in their original manufacturer condition, with original manufacturer parts. No modifications will be made, with the exception of grips and sights, without the approval of the Rangemaster.

II. Authorized ammunition for these weapons is limited to brand and bullet weight included in the following list (These fall within the proven range for adequate performance):

A. Brand

1. Winchester

2. Remington

3. Federal

4. Hornady

5. CCI

6. Speer

7. Cor-Bon

B. Caliber

1.9 mm Luger:

Bureau issued ammunition or any of the above brands incorporating jacketed hollow point design, from 115 to 150 grain weights.

2..40 S&W

Any of the above brands incorporating jacketed hollow point design, from 135 to 180 grain weights.

3..45 ACP

Any of the above brands incorporating jacketed hollow point design, from 165 to 230 grain weights.

III. Ammunition shall be replaced at least once each year.

Ammunition for practice and qualification shall be approved factory loaded ammunition in the above listed bullet weights. For reasons of mechanical reliability, bullet weight should mirror the weight selected for duty use. No reloaded ammunition is allowed.

IV. Holsters, Support Gear, and Qualification

1. All support gear and ammunition for the safe and efficient use of these weapons must be provided by the individual at their own expense.

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2. The weapon must be carried in an approved retention device, inspected by authorized range staff, and noted on the inspection sheet.

3. An investigator must demonstrate safe weapon handling skills, and fire a qualifying score prior to carrying an optional weapon. Annual qualification is required thereafter.

4. Failure to qualify with the requisite scores, or the observance of unsafe weapon handling, will result in the individual being disallowed the use of the weapon.

V. Back-up and Off-Duty Weapons

A. Brands

The following firearms may be carried as a "back-up" (on-duty secondary gun) or as an off duty weapon. These weapons are not to be substituted as a primary weapon other than for undercover operations, as authorized. (e.g. the first and only weapon carried while performing on duty law enforcement functions).

1. Glock;

Any double action model (non-compensated); or any model designed to be carried cocked and on safe.

2. Smith and Wesson M&P series pistols or a small (J-frame) double action revolvers in.38 caliber;

Any double action model (non-compensated) or any model designed to be carried cocked and on safe.

3. Sig Sauer;

Any double action model or any model designed to be carried cocked and on safe.

4. Heckler and Koch (H&K);

Any double action model or any model designed to be carried cocked and on safe.

5. Staccato (S.T.I.);

Any double action model or any model designed to be carried cocked and on safe.

Any firearms not listed above and previously approved prior to January 1, 2021 will be permitted for on-duty and/or off-duty carry if the following have been met:

(a) The weapon was inspected prior to January 1, 2021 and will continue to be inspected every 5 years.

(b) The investigator qualified with the firearm within the last 12 months and shall continue to qualify with the firearm on an annual basis.

(c) Any desired brands and model of firearms not appearing on this list may be submitted in a staff report, through the Rangemaster and addressed to the Chief for consideration. After review and determination that a specific model meets our

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department standards for safety and mechanical reliability and armorer courses are available by the manufacturer, it may be added to the list.

B. The weapon must have a trigger weight of at least 4 pounds.

C. All factory incorporated safeties must be in good working order.

D. The Rangemaster or designee shall inspect each weapon for proper mechanical safety and operation prior to the weapon being carried in the field. Each inspection will be recorded in writing, and maintained by the training officer, showing make, model, serial number, measured trigger weight, working condition of safety mechanisms, and detailed description of any modification from factory standard, including sights, grips, and finish.

E. No modification may be made, or accessories mounted on the weapon without the prior permission of, and re-inspection by, range master or designee.

F. The Rangemaster or designee shall inspect the weapon at least once every five years, and may re-inspect the weapon at any time. Weapons must be in their original manufacturer condition, with original manufacturer parts. No modifications will be made, with the exception of grips and sights, without the approval of the Rangemaster.

VI. Authorized Ammunition for Back-up or Off-Duty Weapons

Authorized ammunition for these weapons is limited to brand and bullet weight included in the following list. (These fall within the proven range for adequate performance.)

A. Brands

1. Winchester
2. Remington
3. Federal
4. Hornady
5. CCI
6. Speer
7. Cor-Bon

B. Caliber

1..380 ACP:

Any of the above brands incorporating jacketed hollow point design, 80 to 105 grain weight.

2..38 Special

Any of the above brands incorporating jacketed hollow design, 95 to 158 grain weight.

3.9mm Luger,.40 S&W and.45 ACP, refer to optional weapon policy.

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VII. Holsters, Support Gear, and Qualification for Back-up or Off-Duty Weapons

A. All support gear for the use of these weapons must be provided by the individual at their own expense.

B. The weapon must be carried in an approved retention device and inspected by the Rangemaster or designee.

C. An investigator must demonstrate safe weapon handling skills, and fire a qualifying score prior to carrying an optional weapon. Annual qualification is required thereafter.

D. Failure to successfully qualify or the observance of unsafe weapon handling, will result in the individual being disallowed the use of the weapon.

306.2.6 LASER SIGHTS

Laser sights may only be fielded on a weapon carried on-duty or off-duty after they have been examined and approved by the Rangemaster.

(a) Handgun laser sights are approved for duty. Laser sights will be of good quality and shall be approved by the Rangemaster or designee prior to duty use (e.g. Crimson Trace, Surefire, Streamlight, Viridian, or approved). Any investigator using a laser on their duty handgun must have back-up iron sights.

(b) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.

(c) Once approved laser sights have been properly installed on any weapon, the investigator shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an investigator may only activate a laser sight when the investigator would otherwise be justified in pointing a weapon at an individual or other authorized target.

306.2.7 SUBCOMPACT/MICROSIZE HANDGUNS FOR DUTY USE

Subcompact/Microsize handguns are authorized for duty with a minimum capacity of six rounds but shall not be used as a primary handgun while in uniform and, or during a tactical operation.

## 306.3 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety on-duty and/or off-duty. Employees shall maintain the highest level of safety when handling firearms and shall consider the following:

306.3.1 SAFETY CONSIDERATIONS

(a) Investigators shall not unnecessarily display or handle any firearm.

(b) Investigators shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders and direction issued by the Rangemaster.

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(c) Investigators shall not clean, repair, load or unload a firearm anywhere in a Department facility, except where clearing barrels are present and when authorized by the Rangemaster or designee.

(d) Investigators shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked.

(e) Investigators shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon.

(f) Any weapon authorized by the department to be carried on-duty or off-duty, that is found by the investigator to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to theRangemaster or designee for inspection. Any weapon determined to be in need of service or repair during an inspection by the Rangemaster or designee, will be immediately removed from service. If the weapon is the investigator's primary duty weapon, a replacement weapon will be issued to the investigator until the duty weapon is serviceable.

### 306.3.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department issued firearms to be handled by anyone not authorized by the department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

### 306.3.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Investigators are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

### 306.3.4 OFF-DUTY ALCOHOL AND DRUGS

Sworn employees carrying or handling any firearm while off-duty shall not consume any intoxicating substance to the point where the employee is unable to or does not exercise reasonable care and/or control of the firearm.

NOTE: For the purposes of this section, intoxicating substance shall include alcoholic beverages, medication (both prescription and over-the-counter), and/or controlled substances.

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A violation of this section shall be determined upon the totality of the circumstances. The fact that the employee acted reasonably, within policy and law, and without negligence may rebut the presumption.

## 306.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify quarterly with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations. At least annually, all personnel carrying a firearm will receive training on the department Use of Force policy and demonstrate their knowledge and understanding.

### 306.4.1 NON-QUALIFICATION

If any investigator is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that investigator shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated

(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained

### 306.4.2 SHOOTING BONUS

Shooting Bonuses are calculated in the following manner:

(a) Marksman - 240 to 259 points out of a possible 300 points, $4.00 per month

(b) Sharpshooter - 260 to 274 points out of a possible 300 points, $8.00 per month

(c) Expert - 275 to 289 points out of a possible 300 points, $16.00 per month

(d) Distinguished Expert - 290 to 300 points out of a possible 300 points (based on the average of four consecutive fired courses), $32.00 per month

The Rangemaster or designee will be responsible for recording, calculating, and authorizing shooting bonuses following each quarterly qualification.

No member shall at any time receive additional compensation for more than one classification.

Members who receive Marksman, Sharpshooter, and Expert shooting bonuses shall receive additional compensation for a period of one year from the first month during which a person qualified. During the one-year period, members who receive Marksman, Sharpshooter, and Expert

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shooting bonuses may qualify for a higher shooting bonus classification and be duly compensated. During the one-year period members who receive Marksman, Sharpshooter, and Expert shooting bonuses shall not have their shooting bonuses lowered.

Members who receive Distinguished Expert shooting bonuses shall receive additional compensation based on an average of four consecutively fired courses. Members who receive Distinguished Expert shooting bonuses shall receive additional compensation for a period of one year.

### 306.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the investigator reasonably believes that they appear necessary, effective and reasonably safe.

### 306.6 DESTRUCTION OF ANIMALS

Investigators are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances in which investigators have sufficient advance notice that a potentially dangerous animal may be encountered, investigators should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, EMDT, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any investigator from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### 306.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, a memorandum to the Chief of the Bureau shall be made as follows:

(a) If on-duty at the time of the incident, the member shall notify his/her supervisor, who will in turn ensure notification to their Division Captain.

(b) If off-duty at the time of the incident, the investigator shall notify the Command Center and their immediate supervisor. A written report shall be submitted or a statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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## 306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will retain the rosterafter each range date. Failure of any investigator to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to Department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection of weapons carried by investigators of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned weapon unfit for service. The investigator will be responsible for all repairs to his or her personal weapon and it will not be returned to service until inspected by the Rangemaster.

## 306.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual investigator, that investigator will be responsible for the furnishing, maintenance and repair of such weapon.

### 306.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

The Rangemaster or designee shall be the only person authorized to repair or modify any department-owned weapon.

Any repairs or modifications to the investigator's off-duty weapon shall be done at his or her expense and must be approved by the Rangemaster.

## 306.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Investigators wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Investigators must carry their Department identification card which must contain a full-face picture, the investigator's signature and the signature of the Chief or the official seal of the Department and must present this identification to airline officials when requested. The investigator should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Los Angeles County District Attorney's Office Bureau of Investigation must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the investigator's travel. If approved, TSA will send the Los Angeles County District Attorney's Office Bureau of Investigation an NLETS message containing a

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unique alphanumeric identifier. The investigator must present the message to airport personnel as authorization to travel while armed on the day of travel.

(d) An official letter signed by the Chief authorizing armed travel must accompany the investigator. The letter must outline the investigator's need to fly armed, must detail his/her itinerary, and should include that the investigator has completed the mandatory TSA training for law enforcement officer flying while armed.

(e) Investigators must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the investigator's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The investigators must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Investigators should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Investigators shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### 306.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time investigators and qualified retired investigators (see Policy Manual § 220) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926B and C):

(a) The investigator shall carry his/her Department identification card whenever carrying such weapon.

(b) Qualified retired investigators shall also carry certification of having met firearms qualification within the past 12 months.

(c) The investigator is not the subject of any current disciplinary action.

(d) The investigator may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The investigator will remain subject to this and all other Department policies (including qualifying and training).

Investigators are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property,

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or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.

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# Tactical Rifles

## 307.1 PURPOSE AND SCOPE

Law enforcement agencies nationwide are recognizing the need to adopt a weapons system capable of providing an accurate and effective multiple round deadly force option to offset the increasing level of modern fire power, body armor, and military-style tactics utilized by criminal suspects.

The Bureau of Investigation has created a Tactical Rifle Program, which is designed to equip investigators with an accurate, extended range, shoulder fired rifle. The Bureau will make tactical rifles available to qualified investigators as an additional and immediate tactical resource.

## 307.2 DEFINITION

A tactical rifle is an authorized weapon which is issued by the Bureau to an investigator. The tactical rifle is to be made available to properly trained and qualified investigators as a supplemental resource to their duty handgun.

## 307.3 DEPLOYMENT OF THE TACTICAL RIFLE

Investigators may deploy the tactical rifle in accordance with the guidelines below, and shall notify their supervisor of the deployment as soon as practical. Examples of some general guidelines for deploying the tactical rifle may include, but are not limited to:

(a) Situations where the investigator could reasonably anticipate the possibility of an armed encounter (e.g. warrant service, known violent felons, multiple suspects, known gang location, etc.)

(b) Witness/dignitary protection assignments which carry an increased potential for ambush or other organized attack.

(c) Surveillance of criminal suspects in which investigators may be drawn into unexpectedly violent situations.

(d) Response to incidents of civil unrest.

(e) Situations where an investigator reasonably expects the need to meet or exceed a suspect's firepower.

(f) When an investigator reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage before the arrival of another agency's Special Weapons Team to resolve the situation.

(g) When an investigator reasonably believes that a suspect may be wearing body armor.

(h) Assignments taking investigators to remote, isolated areas that could involve extended engagement ranges and delayed response for assistance by the local law enforcement agency.

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(i) Any circumstance, in which the investigator can articulate a need for the enhanced accuracy, extended range, or capacity of a tactical rifle.

(j) When requested to deploy a tactical rifle by a supervisor.

### 307.4 DISCHARGE OF THE TACTICAL RIFLE

The discharge of the tactical rifle shall be governed by the Bureau's Force Policy, Policy Manual, Section 300. Use of the tactical rifle is limited to defense of oneself or others against a reasonably apparent threat of imminent bodily injury or death.

### 307.5 SPECIFICATIONS

Only ammunition that meet the Bureau's authorized specifications, approved by the Bureau Rangemaster, may be used by investigators in their law enforcement responsibilities.

### 307.6 RIFLE SECURITY AND STORAGE

The tactical rifle must remain under the direct control of the investigator it is assigned to. When not in use, the tactical rifle must be locked in an approved vehicle rack/security container or returned to a gun safe.

The rifle must remain concealed within the carrying case while transporting it through public areas (assuming no immediate threat is present).

In order to prevent theft of the weapon or vehicle therein, a vehicle containing a tactical rifle shall not be left in an unsecured location for longer than is necessary to complete official business.

Any rifle kept overnight shall be properly secured in the investigator's residence with a locking device or gun safe.

### 307.7 RIFLE MAINTENANCE

Primary responsibility for maintenance of Bureau owned tactical rifles shall fall on the Rangemaster or designee, who shall inspect and service each tactical rifle on an annual basis.

Each investigator carrying a tactical rifle is responsible to field strip and clean their assigned rifle as needed.

Each investigator shall be responsible for promptly reporting any damage or malfunction of a Bureau assigned tactical rifle.

Any tactical rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as out of service and detailed information regarding the weapon's condition shall be included on the label.

Each tactical rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.

Tactical rifles shall not be disassembled beyond basic field stripping necessary for cleaning and maintenance, by anyone other than certified armorers assigned to the Bureau Range Staff.

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No modification shall be made to any patrol rifle without prior authorization and inspection by the Rangemaster.

### 307.8 TRAINING

Investigators shall not carry or utilize the tactical rifle unless they have successfully completed the 16-hr Bureau Tactical Rifle Course. This training shall consist of an initial 16-hr tactical rifle user course and qualification score. Investigators shall thereafter be required to successfully complete an annual qualification course.

Any investigator who fails to qualify with the tactical rifle shall not carry the rifle until a qualifying score is achieved.

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# Vehicle Pursuits

## 308.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide investigators with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require investigators to exhibit a high degree of common sense and sound judgment. Investigators must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing investigators.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no investigator or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Investigators must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Investigator's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable investigator would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

### 308.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an investigator's signal to stop.

## 308.2 INVESTIGATOR RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide investigators with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

### 308.2.1 WHEN TO INITIATE A PURSUIT

Investigators are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to investigators, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing investigators' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing investigators under the conditions of the pursuit.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources such as helicopter assistance.

(l) The Agency unit is carrying passengers other than Agency investigators. Pursuits should not be undertaken with a prisoner in the police vehicle.

### 308.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the investigator or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in § 314.2.1 of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Investigators and

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supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term terminate shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in § 314.2.1 of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing investigators and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) Pursued vehicle's location is no longer definitely known.

(c) Investigator's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

(f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, investigators should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(g) Pursuit is terminated by a supervisor.

308.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the investigator and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, investigators and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the investigator.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

## 308.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An investigator or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of investigators involved would be insufficient to safely arrest the suspects. All other

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investigators should stay out of the pursuit, but should remain alert to its progress and location. Any investigator who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

### 308.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Investigators in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those investigators should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to investigators using vehicles without emergency equipment.

### 308.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the investigator initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description of the fleeing vehicle and license number, if known.

(e) Number of known occupants.

(f) The identity or description of the known occupants.

(g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the investigator in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary investigator should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

### 308.3.3 SECONDARY UNITS RESPONSIBILITIES

The second investigator in the pursuit is responsible for the following:

(a) The investigator in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

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(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary investigator, or if the primary unit is unable to continue the pursuit.

(c) The secondary investigator should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

### 308.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Investigators, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, investigators should not pursue a vehicle driving left of center (wrong way) on a surface street or a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspects.

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.

(e) Investigators involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

### 308.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Except for when specifically authorized, there should be no paralleling of the pursuit route. Investigators are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Investigators should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

308.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

308.3.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide investigators and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

## 308.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving investigators from this department.

The field supervisor of the investigator initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

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(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing LADA,BOI units when a pursuit enters another jurisdiction.

(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

308.4.1 SPECIAL OPERATIONS LIEUTENANT RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Operations Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Operations Lieutenant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Operations Lieutenant shall review all pertinent reports for content and forward to the Division Captain.

## 308.5 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

308.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the investigator's division captain as soon as practicable.

308.5.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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## 308.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary investigator or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary investigator or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

### 308.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Los Angeles County District Attorney's Office Bureau of Investigation is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of investigators at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

## 308.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the Agency unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

### 308.7.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, investigators/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the investigators and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the investigator at the time of the decision.

It is imperative that investigators act within the bounds of legality, good judgment and accepted practices.

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### 308.7.2 DEFINITIONS

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

**Spikes or tack strips** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

### 308.7.3 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Investigators should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any investigator from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 308.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the investigators, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Investigators shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when investigators reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by investigators who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, investigators, or other members of the public.

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2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those investigators trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to investigators, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the investigator's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct investigators in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing investigators should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to investigators, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Investigators should carefully consider the limitations of such devices as well as the potential risks to investigators, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, investigators and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks

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in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, investigators or other members of the public.

308.7.5 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Investigators shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary investigator should coordinate efforts to apprehend the suspects following the pursuit. Investigators should consider safety of the public and the involved investigators when formulating plans to contain and capture the suspects.

## 308.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

(a) The primary investigator should complete appropriate crime/arrest reports.

(b) The sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary investigator should complete as much of the required information on the form as is known and forward the report to the sergeant for review and distribution.

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and investigators
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene

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10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

308.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to investigators and others (Vehicle Code § 17004.7(d)).

308.8.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

## 308.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

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# Emergency Code 3 Procedures

## 309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

## 309.2 RESPONSE TO CALLS

Investigators dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Investigators responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the investigator of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Investigators should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Investigators not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

## 309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of investigators, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting investigator shall immediately notify Dispatch.

If circumstances permit, the requesting investigator should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

### 309.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Command Center or the field supervisor authorizes an additional unit(s).

## 309.4 INITIATING CODE 3 RESPONSE

If an investigator believes a Code-3 response to any call is appropriate, the investigator shall immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another investigator believe a Code-3 response is appropriate, Dispatch shall be notified

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and Dispatch supervisor or field supervisor will make a determination as to whether one or more investigators driving Code-3 is appropriate.

### 309.5 RESPONSIBILITIES OF RESPONDING INVESTIGATOR(S)

Investigators shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Investigators shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the investigator. If, in the investigator's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the investigator may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the investigator should immediately notify Dispatch. An investigator shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an investigator shall immediately give the location from which he/she is responding.

### 309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an investigator requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Operations supervisor or a field supervisor prior to assigning units Code-3. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Operations Supervisor

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Operations supervisor or field supervisor

### 309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Operations supervisor or the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

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(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Command Center or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

## 309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the investigator must terminate the Code-3 response and respond accordingly. In all cases, the investigator shall notify the field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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# Search and Seizure

## 310.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Los Angeles County District Attorney's Office Bureau of Investigation personnel to consider when dealing with search and seizure issues.

## 310.2 POLICY

It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to investigators as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

## 310.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

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Whenever practicable, investigators are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

### 310.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Investigators should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching investigator, a reasonable effort should be made to summon an investigator of the same sex as the subject to conduct the search. When it is not practicable to summon an investigator of the same sex as the subject, the following guidelines should be followed:

1. Another investigator or a supervisor should witness the search.
2. The investigator should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### 310.5 DOCUMENTATION

Investigators are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an investigator of the same sex as the person being searched and the identification of any witness investigator

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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# Temporary Custody of Juveniles

## 311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Los Angeles County District Attorney's Office Bureau of Investigation (34 USC § 11133).

### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an investigator or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

**Safety checks** - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non secure booking area is available.

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(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual or auditory contact.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

## 311.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Los Angeles County District Attorney's Office Bureau of Investigation. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

## 311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Los Angeles County District Attorney's Office Bureau of Investigation:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated - A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Investigators taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Los Angeles County District Attorney's Office Bureau of Investigation unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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If the investigator taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

311.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The field supervisor shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

311.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

## 311.4 CUSTODY OF JUVENILES

Investigators should take custody of a juvenile and temporarily hold the juvenile at the Los Angeles County District Attorney's Office Bureau of Investigation when there is no other lawful and practicable alternative to temporary custody.

No juvenile should be held in temporary custody at the Los Angeles County District Attorney's Office Bureau of Investigation without authorization of the arresting investigator's supervisor. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Los Angeles County District Attorney's Office Bureau of Investigation (34 USC § 11133; Welfare and Institutions Code § 207.1).

311.4.1 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, investigators may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

311.4.2 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Los Angeles County District Attorney's Office Bureau of Investigation unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the [Department/ Office].

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating investigator or supervisor shall prefer the alternative that least restricts the juvenile’s freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the investigator should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

### 311.5 ADVISEMENTS

Investigators shall take immediate steps to notify the juvenile’s parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

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Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults (Welfare and Institutions Code § 627; Penal Code § 851.5).

### 311.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Los Angeles County District Attorney's Office Bureau of Investigation (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Los Angeles County District Attorney's Office Bureau of Investigation (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

### 311.7 TEMPORARY CUSTODY REQUIREMENTS

Investigator's and supervisors assigned to monitor or process any juvenile at the Los Angeles County District Attorney's Office Bureau of Investigation shall ensure the following:

(a) The Section Lieutenant should be notified if it is anticipated that a juvenile may need to remain at the Los Angeles County District Attorney's Office Bureau of Investigation more than four hours. This will enable the sergeant to ensure no juvenile is held at the Los Angeles County District Attorney's Office Bureau of Investigation more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

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(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

## 311.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Los Angeles County District Attorney's Office Bureau of Investigation when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

## 311.9 PERSONAL PROPERTY

The investigator taking custody of a juvenile offender or status offender at the Los Angeles County District Attorney's Office Bureau of Investigation shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Los Angeles County District Attorney's Office Bureau of Investigation.

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## 311.10 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an investigator shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

### 311.10.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a Los Angles County District Attorney's Office Bureau of Investigation facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an investigator, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

### 311.11 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting investigator's sergeant, or in his/her absence, the investigator's lieutenant.

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the lieutenant or sergeant, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

### 311.12 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Los Angeles County District Attorney's Office Bureau of Investigation Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records sergeant and the appropriate Bureau of Investigation supervisors to ensure that personnel of those bureaus act within legal guidelines.

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# Elder Abuse

## 312.1 PURPOSE AND SCOPE

This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adult abuse. It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation to treat reports of adult abuse as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspects.

## 312.2 DEFINITIONS

Definitions related to this policy include:

**Adult Abuse** - Any offense or attempted offense involving violence or neglect of adults over the age of 65 or any offense or attempted offense involving a dependent adult victim committed by a caregiver. This also includes any other act that would mandate notification to a social service/ licensing agency or law enforcement related to the abuse of an adult (Welfare and Institutions Code § 15610.07; Welfare and Institutions Code § 15610.27; Welfare and Institutions Code § 15610.23).

**Dependent Adult** - Any person residing in this state, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This includes any person between 18 and 64 years of age who is admitted as an inpatient to a 24-hour health facility, as defined in state law (Health and Safety Code § 1250; Health and Safety Code § 1250.2; Health and Safety Code § 1250.3).

## 312.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be adult abuse, is told by an elder or dependent adult that he/she has experienced abuse or who reasonably suspects abuse, shall report to the county adult protective services agency as soon as practicable as provided in Welfare and Institutions Code § 15630.

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30). Notification is also made in cases of abandonment, abduction, isolation and neglect (Welfare and Institutions Code § 15610.05; Welfare and Institutions Code § 15610.06; Welfare and Institutions Code § 15610.43; Welfare and Institutions Code § 15610.57).

Notification should also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

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(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman.

(c) The State Department of Public Health shall be notified of all known or suspected abuse occurring in a long-term facility.

(d) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services.

(g) If the abuse occurred at a residential care facility for the elderly or adult day program, the State Department of Social Services shall be notified.

(h) If the abuse occurred in an adult day health care center, the State Department of Public Health and the California Department of Aging shall be notified.

Failure to make a report within two working days or as provided is a misdemeanor (Welfare and Institutions Code § 15630(h)).

The Bureau of Investigation supervisor is responsible for ensuring that proper notifications have occurred to the law enforcement agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

### 312.3.1 BUREAU RECORDS RESPONSIBILITY

The reporting investigator is responsible for the following:

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(a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.

(b) Retain the original elder/dependent abuse report with the initial case file.

### 312.4 ADULT ABUSE REPORTING

Every allegation of adult abuse shall be documented in a report. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting cases of adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

Investigators investigating adult abuse shall complete a State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

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# Discriminatory Harassment

## 313.1 PURPOSE AND SCOPE

All Los Angeles County (County) employees are required to conduct themselves in accordance with the entirety of this County Policy of Equity (Policy), and all applicable local, county, state, and federal laws.

## 313.2 POLICY

This Policy is intended to preserve the dignity and professionalism of the workplace as well as protect the right of employees to be free from discrimination, unlawful harassment, retaliation and inappropriate conduct toward others based on a protected status. Discrimination, unlawful harassment, retaliation and inappropriate conduct toward others based on a protected status, are contrary to the values of the County. The County will not tolerate unlawful discrimination on the basis of sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other protected characteristic protected by state or federal employment law, nor will it tolerate unlawful harassment, or retaliation. As a preventive measure, the County also will not tolerate inappropriate conduct toward others based on a protected status even if the conduct does not meet the legal definition of discrimination or unlawful harassment. All County employees are responsible for conducting themselves in accordance with this Policy and its associated Procedures. Violation of the Policy and/or Procedures will lead to prompt and appropriate administrative action including, but not limited to, counseling, training, written warning, written reprimand, suspension, demotion, or discharge.

County Workforce: For purposes of this Policy, County Workforce includes but is not limited to County employees, applicants for employment, all volunteers, and outside vendors.

Location: This Policy prohibits discrimination, unlawful harassment, retaliation, and inappropriate conduct toward others based on a protected status in the workplace or in other work-related settings such as off site work-related events (e.g., retirement parties) with a nexus to the workplace.

Communication System/Equipment: This Policy also applies to the use of any communication system or equipment in the workplace, including but not limited to, electronic mail, internet, intranet, telephone lines, computers, facsimile machines, voice-mail, radio, cell phones, blackberries and mobile digital terminals. Employees may be disciplined in accordance with this Policy for using any communication system or equipment to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy.

## 313.3 DISCRIMINATION PROHIBITED

Each County employee is responsible for understanding and abiding by these definitions of prohibited conduct as they may impact any administrative process/proceeding for potential violations of this Policy and/or associated Procedures.

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### 313.3.1 DISCRIMINATION

Discrimination is the disparate or adverse treatment of an individual based on or because of that individual's sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other protected characteristic protected by state or federal employment law.

### 313.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.

b. Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

c. Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### 313.3.3 ADDITIONAL CONSIDERATIONS

Unlawful harassment of an individual because of the individual's race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other protected characteristic protected by state or federal employment law is also discrimination and prohibited. Unlawful harassment is conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

### 313.3.4 THIRD-PERSON HARASSMENT

Third-person unlawful harassment is indirect harassment of a bystander, even if the person engaging in the conduct is unaware of the presence of the bystander. When an individual engages in harassing behavior, he or she assumes the risk that someone may pass by or otherwise witness the behavior. The County considers this to be the same as directing the harassment toward that individual.

### 313.3.5 INAPPROPRIATE CONDUCT TOWARDS OTHERS

Inappropriate conduct toward others is any physical, verbal, or visual conduct based on or because of sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition or any other protected characteristic protected by state or federal employment law when such conduct reasonably would be considered inappropriate for the workplace.

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This provision is intended to stop inappropriate conduct based on a protected status before it becomes discrimination or unlawful harassment. As such, the conduct need not meet legally actionable state and/or federal standards of severe or pervasive to violate this Policy. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc., may constitute conduct that violates this policy and is grounds for discipline. Similarly, the conduct need not be unwelcome to the party against whom it is directed; if the conduct reasonably would be considered inappropriate by the County for the workplace, it may violate this Policy.

### 313.3.6 RETALIATION

Retaliation for the purposes of this Policy is an adverse employment action against another for reporting a protected incident or filing a complaint of conduct that violates this Policy or the law or participating in an investigation, administrative proceeding or otherwise exercising their rights or performing their duties under this Policy or the law.

This Policy absolutely prohibits retaliation. No County employee will be subjected to an adverse employment action for: making a complaint of conduct that potentially violates this Policy , or cooperating in any administrative investigation or otherwise preventing prohibited practices under this Policy. The County will take corrective administrative action to prevent retaliation, including the imposition of appropriate discipline to any County employee who engages in retaliation.

### 313.3.7 EXAMPLES OF CONDUCT THAT MAY VIOLATE THIS POLICY

Depending on the facts and circumstances, the following are examples of conduct that may violate this Policy:

Posting, sending, forwarding, soliciting or displaying in the workplace any materials, documents or images that are, including but not limited to, sexually suggestive, racist, "hate-site" related, letters, notes, invitations, cartoons, posters, facsimiles, electronic mail or web links;

Verbal conduct such as whistling and cat calls, using or making lewd or derogatory noises or making graphic comments about another's body, or participating in explicit discussions about sexual experiences and/or desires;

Verbal conduct such as using sexually, racially or ethnically degrading words or names, using or making racial or ethnic epithets, slurs, or jokes;

Verbal conduct such as comments or gestures about a person's physical appearance which have a racial, sexual, disability-related, religious, age or ethnic connotation or derogatory comments about religious differences and practices;

Physical conduct such as touching, pinching, massaging, hugging, kissing, rubbing the body or making sexual gestures;

Visual conduct such as staring, leering, displaying or circulating sexually suggestive objects, pictures, posters, photographs, cartoons, calendars, drawings, magazines, computer images or graphics;

Sexual advances or propositions, including repeated requests for a date;

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Adverse employment actions like discharge and/or demotion, this list is not exhaustive.

## 313.4 RESPONSIBILITIES

Any County employee who believes he or she has been subjected to conduct that potentially violates this Policy is strongly encouraged to report the matter to any Department supervisor or manager or the County Intake Specialist Unit. The County Intake Specialist Unit may be reached by phone: 1-855-999-CEOP (2367) or website: https://CEOP.bos.lacounty.gov and is located at: Kenneth Hahn Hall of Administration, 500 West Temple Street, Room # B-26, Los Angeles, CA 90012.

County employees also may contact the California Department of Fair Employment and Housing by calling (800) 884-1684 or visiting their website at www.dfeh.ca.gov; and/or may contact the Federal Equal Employment Opportunity Commission by calling (213) 894-1000 or (800) 669-4000 or visiting their website at www.eeoc.gov .

All County employees are responsible for conducting themselves in accordance with the County Policy of Equity ("Policy") and these Procedures ("Procedures"). The Policy and Procedures are the internal controlling authority for all County administrative equity matters. Violation of the Policy or Procedures will lead to prompt and appropriate administrative action including, but not limited to, counseling, training, written reprimand, suspension, demotion, and/or discharge.

Any County employee who believes he or she has been subjected to a potential violation of the Policy is strongly encouraged to report the matter.

Any non-supervisory County employee who has knowledge of a potential violation of the Policy is also strongly encouraged to report the matter.

Supervisors and managers have an affirmative duty to report potential violations of the Policy. Supervisors and managers also have an affirmative duty to take all reasonable steps to prevent and stop (through prompt and appropriate administrative action) County Policy of Equity discrimination, unlawful harassment, retaliation and inappropriate conduct toward others based on a protected status from occurring in the workplace.

The County will promptly, fully and fairly investigate all reports/complaints of potential violations of the Policy and will take prompt and appropriate administrative action. County employees shall cooperate fully in any administrative investigation related to the Policy.

### 313.4.1 SUPERVISOR RESPONSIBILITY

All County employees are responsible for cooperating fully in any administrative investigation related to this Policy in accordance with County Policy and Procedures Guidelines 910.

### 313.4.2 SUPERVISOR'S ROLE

Under these Procedures, supervisors and managers have an affirmative duty to perform certain duties as enumerated below.

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Supervisors and managers, for purposes of the Policy include: any employee regardless of job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

NOTE:

FAILURE BY ANY SUPERVISOR OR MANAGER TO CARRY OUT THESE DUTIES MAY BE CAUSE FOR DISCIPLINE.

### 313.4.3 DUTY OF SUPERVISORS AND MANAGERS TO REPORT

Supervisors and managers have an affirmative duty to report potential violations of the Policy. Supervisors and managers are required to report potential violations of the Policy to the County Intake Specialist Unit as provided below even when a complaining or reporting party requests that no action be taken. The supervisor or manager shall:

Immediately notify the County Intake Specialist Unit of the incident(s) or complaint and any initial steps taken by the supervisor or manager; and Complete a County Policy Of Equity Report form ("County POE Report Form") and file the original with the County Intake Specialist Unit with copies to:

(a) the reporting party's Department Head, unless the complaint is against the Department Head, in which case it shall be sent to the Executive Director of the County's Equity Oversight Panel; and

(b) the Executive Director of the County's Equity Oversight Panel.

### 313.4.4 ADDITIONAL DUTIES OF SUPERVISORS AND MANAGERS

Supervisors and managers are also responsible for:

Being aware of, abiding by and understanding the Policy and Procedures, as well as any modifications that may be made to them;

Actively monitoring the work environment to ensure that County Policy of Equity discrimination, unlawful harassment, retaliation and/or inappropriate conduct toward others based on a protected status are not occurring;

Informing County employees under their supervision of the types of behavior prohibited, and the County's procedures for reporting and resolving complaints arising under the Policy;

Stopping conduct that potentially violates the Policy and taking immediate and appropriate administrative action whether or not the involved County employees are within their line of supervision; and

If a situation requires separation of the involved parties, particular care must be taken to avoid actions that appear to punish the complaining party. (Note: Supervisors are not required to place themselves in physical harms way to separate the parties.)

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Supervisors and managers have the foregoing duties whether or not a complaint has been made.

313.4.5 DUTIES OF DEPARTMENT HEADS
In addition to the duties described above, Department Heads have the following duties:

Ensuring that the County's POE is disseminated to every employee in the Department; and

Ensuring that blank County POE Report Forms are maintained in a prominent and accessible place in every Department Unit. It is the further duty of the Department Head to ensure that the location, availability, and purpose of these forms are made known to each Department member.

## 313.5 COUNTY INTAKE SPECIALIST UNIT

The County Intake Specialist Unit functions as a specialized resource for all County employees concerning the County Policy of Equity and these Procedures. The County Intake Specialist Unit shall respond to inquiries, including anonymous inquiries, about the Policy and Procedures and provide information to County employees about, among other things, their rights and responsibilities and complaint and investigation procedures concerning administrative equity matters.

If a caller provides enough information to indicate a potential violation of the Policy, the County Intake Specialist Unit shall complete the County Policy of Equity Report Form and inform the caller of this fact.

## 313.6 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions. and agree that they will continue to abide by its provisions.

The Los Ageles County Policy of Equity is available at the following link:

http://file.lacounty.gov/bos/supdocs/070111_equity.pdf

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# Conduct

## 314.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of all its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and/or prohibitions, but they do identify many of the important matters concerning conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy is to provide employees of this Bureau with guidelines for their conduct in order that they may participate in meeting the goals of this Bureau in serving the community.

This policy shall apply to sworn members of this Bureau (and non-sworn part-time, limited term and working retired employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care.

A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

## 314.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is reasonably related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

### 314.2.1 DISCIPLINARY ACTIONS

An investigator in the Bureau of Investigation may be subject to the following types of disciplinary actions:

Verbal Admonishment - a verbal warning by a supervisor regarding minor infractions of policy or the need for improvement in work habits by a subordinate.

Written Reprimand - a letter from the Division Captain to the investigator regarding the need for improvement in work habits or violations of policy. A written reprimand shall detail the potential for more serious discipline if there are subsequent offenses or the investigator's performance fails to reflect improvement. The investigator should acknowledge receipt of the reprimand by signing the original. Refusal to sign should be noted on the original by the supervisor. The investigator shall be given the original and a copy will be placed in the investigator's personnel file.

Suspension Without Pay - This action may be imposed by the Chief or designee for a period of up to 30 days for serious offenses. In discipline involving a suspension without pay for one to five

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days, the notice to suspension letter will include the employee's opportunity to file a grievance per the applicable Memorandum of Understanding (MOU). In significant discipline (suspension without pay for six or more days, reduction, or discharge), the intent to suspend letter will include the employee's opportunity to file a grievance per the applicable MOU and the opportunity to respond orally and/or in writing to the Chief or designee within ten business days of receiving the intent to suspend. Upon a showing of good cause by the employee, the Chief or designee may grant a reasonable extension of time for the employee to respond.

Education-Based Discipline (EBD) -EBD is an option granted by the Chief in lieu of and/or in addition to disciplinary suspensions. The mission of EBD is to develop an individualized remedial plan with the involvement of the employee, that emphasizes education, training, and other creative interventions, thereby promoting a more comprehensive and successful outcome.

Reduction - this action may be imposed when an investigator is incapable of handling the current job, but would make a satisfactory investigator at a lower level. This action is initiated by the Chief or Deputy Chief and confirmed by the District Attorney.

Discharge - this action may be taken after a history of reprimands or suspensions, or it may be the initial action if the facts warrant it. Discharge is initiated by the Chief or Deputy Chief with final approval by the District Attorney. The written procedure is the same as for significant suspension.

Suspension, reduction, and discharge, as well as the investigator's remedies and appeal procedures are covered in Rule 18 of the Los Angeles County Civil Service Commission Manual.

## 314.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with the Bureau of Investigation Policy Manual. Pursuant to Government Code §3304(d), the employee must be notified of discipline within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

### 314.3.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Bureau, Department and/or County manuals.

(b) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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(d) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

314.3.2 ETHICS

(a) Using or disclosing one’s status as a member of the Los Angeles County District Attorney's Office in any way that could reasonably be perceived as an attempt to gain influence, favor, or authority for non-department related business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this Department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

314.3.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

314.3.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member

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knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by the Department.

314.3.5 ATTENDANCE

(a) Leaving assigned job during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

314.3.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this Department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or Department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

314.3.7 EFFICIENCY

(a) Dereliction of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 30 days of any change in residence address, contact telephone numbers or marital status.

(f) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.

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### 314.3.8 PERFORMANCE

(a) Failure to disclose or misrepresent material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, and/or destruction of any Department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department related business.

(d) Being untruthful or knowingly make false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency and discipline of this Department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on County premises.
2. At any work site, while on-duty or while in uniform, or while using any Department equipment or system.
3. Gambling activity undertaken as part of an investigator's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property, or representing him/herself as a member of this Department, except as expressly authorized by County policy, the Memorandum of Understanding, or the Chief.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the Memorandum of Understanding, or the Chief.

(i) Any act on- or off-duty that brings discredit or embarassment to the Department.

(j) Any failure or refusal of any employee to properly perform the function and duties of an assigned position.

(k) Failure to maintain the ability to adequately and safely perform law enforcement duties.

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### 314.3.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public, contract vendors, or any member of this Department and/or County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with the Department.

(i) Unauthorized possession of, loss of, or damage to Bureau property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of County property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of County property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Department or its members.

### 314.3.10 SAFETY

(a) Failure to observe or violating Department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

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(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

(i) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.

314.3.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of intoxicants at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

314.3.12 SUPERVISION RESPONSIBILITY

a. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws.

b. Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as requires by policy.

c. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

## 314.4 POST INVESTIGATION PROCEDURES

314.4.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Captain of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

a. Prior to forwarding recommendations to the Chief or designee, the Division Captain may return the entire investigation to Internal Affairs for further investigation or action.

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b. When forwarding any written recommendation to the Chief or designee, the Division Captain shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

314.4.2 RESPONSIBILITIES OF THE CHIEF OF THE BUREAU OF INVESTIGATION
Upon receipt of any written recommendation for disciplinary action, the Chief or designee, shall review the recommendation and all accompanying materials.

The Chief or designee, may modify any recommendation and/or may return the file to the Division Captain for further investigation or action.

Once the Chief or designee is satisfied that no further investigation or action is required by staff, the Chief or designee shall determine the amount of discipline, if any.

In the event disciplinary action is proposed or issued the Chief or designee shall provide the employee in writing the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code Section 3304(2) or 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A statement that the employee has been provided with or given access to all of the materials considered by the Chief or designee.

(c) In discipline involving a suspension without pay for one to five days, the notice to suspend letter will include the employee's opportunity to file a grievance per the applicable Memorandum of Understanding (MOU).

(d) In discipline involving significant discipline (suspension without pay for six or more days, reduction, or discharge), the intent to suspend letter will include the employee's opportunity to file a grievance per the applicable Memorandum of Understanding (MOU) and the opportunity to respond orally and/or in writing to the Chief or designee within ten business days of receiving the intent to suspend. Upon a showing of good cause by the employee, the Chief or designee may grant a reasonable extension of time for the employee to respond.

## 314.5 SKELLY MEETING

The Skelly meeting for significant discipline is intended to provide the accused employee with an opportunity to present a written and/or oral response to the Chief or designee after having had an opportunity to review the supporting materials and prior to imposition of any proposed discipline. The employee shall consider the following:

a. The Skelly meeting is not intended to be an adversarial or formal hearing.

b. Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly meeting is not designated to accommodate the presentation of testimony or witness.

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c. The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief or designee to consider.

d. In the event the Chief or designee elects to have further investigation conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

e. The employee may thereafter have the opportunity to further respond orally and/or in writing to the Chief or designee on the limited issues of information raised in any subsequent materials.

f. Once the employee has completed his/her Skelly meeting or, if the employee has elected to waive any such response, the Chief or designee shall consider all information received in regard to the recommended discipline. Once the Chief or designee determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination.

g. Once the Chief or designee has issued a written decision, the discipline shall become effective.

### 314.6 RESIGNATION/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

Investigators who do not retire in good standing may not be entitled to the issuance of a Carry a Concealed Weapons (CCW) permit.

### 314.7 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

### 314.8 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

a. Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

b. In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the Skelly

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procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.

c. At all times during any investigation of allegations of misconduct involving a probationary investigator, such investigator shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.

d. A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort or property interest in or right to the employee's continuation of employment.

e. The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.

f. In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.

g. If the employee does not prevail, he/she may be discharged or reduced by the appointing power by written notice, served on the employee and a copy filed with the director of personnel, specifying the grounds and the particular facts on which the discharge or reduction is based. Such an employee shall be entitled to answer, explain, or deny the charges within 10 business days. County Civil Service Rule 18.05 & County Civil Service Rule 18.07.

h. The probationer may, within 10 business days or the mailing or hand delivery to him/her of the notice of discharge or reduction, file an appeal with the Director of Personnel (Department of Human Resources). Such an appeal must be in writing and shall contain specific, detailed information upon which the appeal is based. The Director or Personnel shall determine whether or not to consider the appeal, or whether or not the discharge or reduction is justified. CSR 18.07. A probationer may appeal a discharge or reduction to the commission only as provided in County Civil Service Rule 4.

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# Department Technology Use

## 315.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

County computers and internet access are provided for use by employees to improve productivity and enhance the collection and dissemination of data for District Attorney and county purposes. Computers and the internet shall not be used for purposes other than county work. The Chief Deputy District Attorney receives reports from the Auditor-Controller regarding excessive and/or inappropriate internet usage.

### 315.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

## 315.2 AGENCY PROPERTY

**All personnel shall adhere to the following policy regarding the use of County technology resources:**

As a Los Angeles County employee, contractor, vendor or other authorized user of County Information Technology (IT) assets including computers, networks, systems and data, I understand that I occupy a position of trust. I will use County IT assets for County management approved business purposes only and maintain the confidentiality of County's business and Citizen's private data. As a user of County's IT assets, I agree to the following:

1. Computer crimes: I am aware of California Penal Code 502(c) Comprehensive Computer Data Access and Fraud Act (attached). I will immediately report any suspected computer misuse or crimes to my Management.

2. Security access controls: I will not subvert or bypass any security measure or system which has been implemented to control or restrict access to computers, networks, systems or data. I will not share my computer identification codes (log-in ID, computer access codes, account codes, ID's, etc.) or passwords.

3. Approved business purposes: I will use the County's Information Technology (IT) assets including computers, networks, systems and data for County management approved business purposes only.

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4. Confidentiality: I will not access or disclose any County program code, data, information or documentation to any individual or organization unless specifically authorized to do so by the recognized information owner.

5. Computer virus and malicious code: I will not intentionally introduce any computer virus, worms or malicious code into any County computer, network, system or data. I will not disable or delete computer virus detection and eradication software on County computers, servers and other computing devices I am responsible for.

6. Offensive materials: I will not access or send any offensive materials, e.g., sexually explicit, racial, harmful or insensitive text or images, over County owned, leased or managed local or wide area networks, including the public Internet and other electronic mail systems, unless it is in the performance of my assigned job duties, e.g., law enforcement. I will report to my supervisor any offensive materials observed by me or sent to me on County systems.

7. Public Internet: I understand that the Public Internet is uncensored and contains many sites that may be considered offensive in both text and images. I will use County Internet services for approved County business purposes only, e.g., as a research tool or for electronic communication. I understand that the County's Internet services may be filtered but in my use of them I may be exposed to offensive materials. I agree to hold the County harmless should I be inadvertently exposed to such offensive materials. I understand that my Internet activities may be logged, are a public record, and are subject to audit and review by authorized individuals.

8. Electronic mail and other electronic data: I understand that County electronic mail (e-mail), and data, in either electronic or other forms, are a public record and subject to audit and review by authorized individuals. I will comply with County e-mail use policy and use proper business etiquette when communicating over e-mail systems.

9. Copyrighted materials: I will not copy any licensed software or documentation except as permitted by the license agreement.

10. Disciplinary action for non-compliance: I understand that my non-compliance with any portion of this Agreement may result in disciplinary action including my suspension, discharge, denial of service, cancellation of contracts or both civil and criminal penalties.

**CALIFORNIA PENAL CODE 502(c) - "COMPREHENSIVE COMPUTER DATA ACCESS AND FRAUD ACT"**

Below is a section of the "Comprehensive Computer Data Access and Fraud Act" as it pertains specifically to this Agreement. California Penal Code 502(c) is incorporated in its entirety into this Agreement by reference and all provisions of Penal Code 502(c) apply. For a complete copy, consult the Code directly at website www.leginfo.ca.gov/. 502.(c). Any person who commits any of the following acts is guilty of a public offense:

(1) Knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network in order to either (A) devise

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or execute any scheme or artifice to defraud, deceive, or extort, or (B) wrongly control or obtain money, property, or data.

(2) Knowingly accesses and without permission takes, copies or makes use of any data from a computer, computer system, or computer network, or takes or copies supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.

(3) Knowingly and without permission uses or causes to be used computer services.

(4) Knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network.

(5) Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system, or computer network.

(6) Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system, or computer network is in violation of this section.

(7) Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network.

(8) Knowingly introduces any computer contaminant into any computer, computer system, or computer network.

### 315.3 UNAUTHORIZED USE OF SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

### 315.4 PROHIBITED AND INAPPROPRIATE USE

Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are

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engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### 315.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

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# Report Preparation

## 316.1 PURPOSE AND SCOPE

Report preparation is a major part of each investigator's job. The purpose of reports is to document sufficient information to refresh the investigator's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 316.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should submitted as soon as possible.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 316.1 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all investigators and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### 316.1.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

## 316.2 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting employee along with the reasons for rejection, as soon as practical. It shall be the responsibility of the originating investigator to ensure that any report returned for correction is processed in a timely manner.

Investigators desiring to discuss a case with a deputy district attorney may refer to their draft copy of the report, or they may deliver the deputy district attorney's copy at the time of the discussion, after first obtaining their supervisor's approval.

## 316.3 REPORT CHANGES OR ALTERATIONS

Once reports have been approved by a lieutenant or submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring investigator only with the knowledge and authorization of the reviewing supervisor.

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## 316.4 REPORT WRITING - ARMS

The following establishes policies related to report writing and the use of the Automated Report Management System (ARMS).

### 316.4.1 CASE REPORTS

A case report is a written account of any matter investigated by the Bureau. Case reports may be written in the first person singular when referring to the writer. Pending reports shall be written on an "Investigator's Report" in ARMS.

In preparing reports, the investigator shall provide the following:

1. Report made by: Indicate writer's title, full name and badge number.

2. Date: Date the report was prepared by the investigator.

3. Charge: The charge under which the report is being prepared.

4. File number: The file number will be electronically generated at the time of case initiation. This number is to appear on all reports, memorandums and correspondence related to the case.

For example: 2006-F-0001

The prefix "2006" indicates the calendar year the case is opened. The letter "F" indicates a fraud case.

The alpha indices are:

-"A" Assistance

-"B" Background or application

-"C" Correspondence and internal memorandums

-"F" Fraud cases

-"G" General cases (e.g., extortion)

-"P" Pre-trial cases

5. Details: All the facts shall be completely set forth in this section including how the case was received, statements of witnesses and suspects, description of evidence, suspect's identification and physical description, and prosecutive action.

A copy may be furnished to an authorized outside agency which requests it; however, the supervisor shall be consulted prior to the forwarding of the copy.

### 316.4.2 MEMORANDA

It is often necessary to make a written record of a matter which is of interest only within the Bureau of Investigation. These internal matters, usually not case related, are reported in memorandum form and concern such subjects as administrative functions, instructions from supervisors to subordinates, loss or theft of County-issued equipment, duty or training schedules, personnel

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matters, or any other special or confidential matter which is disseminated only within the Bureau of Investigation.

The heading for a memorandum shall be as follows:

MEMORANDUM

TO:

FROM:

SUBJECT:

DATE:

316.4.3 REPORT ROUTING
The approved memorandum will be initialed by the investigator and then forwarded to his/her supervisor.

316.4.4 MONTHLY STASTISTICAL REPORT
All investigators and support personnel shall prepare the general and divisional statistical forms (database in Lotus Notes), each month and forward them to their immediate supervisor. The supervisor of each section/unit will be responsible for preparing summaries of both statistical forms to reflect the total statistics for that section.

**316.5 INVESTIGATIONS - INITIATION OF**
The following establishes policies related to the initiation of investigations.

316.5.1 INTERVIEW OF COMPLAINANT
Initial complainant interviews in the office or field shall be conducted in the following manner:

1. Obtain and record the complete name, address, and phone number of the complainant, a complaint form, memorandum or duty log may be used if applicable. At this point, a determination sometimes can be made as to the probable reliability of the allegations from the demeanor, expression, physical appearance or statements of the complainant. If the complainant demonstrates that he/she is mentally disturbed and his/her behavior is self destructive or endangering others, call the local police or Sheriff's Department for emergency assistance. Other mentally disturbed persons should be turned away with as much kindness, but with firmness and dispatch, as the situation allows.

2. Complete notes shall be made on legitimate complaints and on the apparent reliability of the complainant.

3. Determine whether or not the alleged offense has occurred. The type of case and venue should be determined as well.

4. Determine whether or not each alleged offense has occurred recently enough to allow for a complete investigation and the filing of an indictment or information prior to prosecution being

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prohibited by the Statute of Limitations, (4 years from the date of discovery in the case of Grand Theft cases, when the victim knew or should have known of the crime).

5. Complete the initial interview by asking the complainant to relate the incident in the manner that it occurred. The investigator should guide the narrative to prevent the complainant from digressing or becoming involved with minutiae. Try to direct the complainant to tell her/his story in a chronological narrative.

6. Submit the case by telephone or in person to the supervisor handling the subject matter under consideration. A determination shall be made by this supervisor as to whether or not a case is to be opened.

7. If an investigation is denied, explain to the complainant why the case is being denied and refer him/her to the proper person, agency, or place for whatever remedy is available. Indicate this disposition on a complaint form, memorandum or duty log.

8. If an investigation is opened, prepare in detail the Opening Report, including all pertinent facts such as names and addresses of complainants, victims, suspects and witnesses, giving careful attention to the details of identification of the suspects. Describe how the suspect committed the offense.

9. Include dates and summaries of conversations. If the offense constitutes a crime involving funds or property, list the amounts of money or approximate value of the articles involved.

10. List original checks and documents or other physical evidence obtained from the complainant at this interview. Photocopies in lieu of originals are rarely, if ever, of value in cases where questioned handwriting or documents are involved.

### 316.5.2 DIRECTED BY A DEPUTY DISTRICT ATTORNEY

When the opening of a case involves the interpretation of the law, it may be advisable to present the matter to a deputy district attorney for determination as to whether the case should be opened for investigation. The investigator shall first consult with his/her supervisor prior to discussing the matter with a deputy district attorney.

Pre-trial investigations are initiated at the request of a deputy district attorney who will contact a Bureau supervisor and explain the problem. It is then the supervisor's duty to assess the problem, and if the situation warrants, assign an investigator to assist the deputy district attorney in any phase of the prosecutive function.

### 316.5.3 BY WRITTEN REQUEST

Cases may be opened by written requests from the following:

1. Requests for assistance from other agencies;

2. Requests from judges for investigation of alleged perjury committed in their courts;

3. Requests for interviews by prisoners, letters or e-mails from other District Attorney divisions; or

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4. Intra-office memos are used for setting forth the need for investigation of critical, special, or confidential matters.

## 316.6 SENSITIVE INVESTIGATIONS

The following establishes policies related to the initiation of sensitive investigations.

### 316.6.1 NOTIFICATIONS

The Chief or Assistant Chief of the Bureau shall be immediately notified, through the chain of command, prior to any investigative effort by a member of the Bureau wherein a public office holder, or candidate for public office is involved.

### 316.6.2 REQUESTS FROM THE BOARD OF SUPERVISORS

Any request for information or action originating from any member of the Board of Supervisors shall be completed and a reply returned within one week. If this is not done, submit a progress report in writing, to the Chief Deputy District Attorney (through the chain of command), with a copy to the requesting party. All reports and replies shall be submitted through the chain of command to the Chief or Assistant Chief for review. Unit supervisors shall monitor the investigator's progress to insure that this instruction is complied with. Sufficient time must be allowed for the creation and delivery of reports.

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# Court Appearance And Subpoenas

## 317.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

### 317.1.1 DEFINITIONS

**On-Call** - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone if called back.

**Standby** - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone so that he or she may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

## 317.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

### 317.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee, by delivery of two copies of the subpoena to the employee's supervisor, other authorized departmental agent or electronically (Government Code § 68097.1; Penal Code § 1328(c)).

### 317.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

### 317.2.3 ACCEPTANCE OF SUBPOENA

(a) Only the Los Angeles County District Attorney's Office Litigation Coordinator shall be authorized to accept service of a subpoena[Penal Code § 1328(c)]. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena

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to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

### 317.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

### 317.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

### 317.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Los Angeles County District Attorney's Office Bureau of Investigation shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

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317.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

## 317.3 CIVIL SUBPOENAS

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any investigator for reasonable and necessary travel expenses.

The Department will receive reimbursement for the investigator's compensation through the civil attorney of record who subpoenaed the investigator.

317.3.1 PROCEDURE
To ensure that the investigator is able to appear when required, that the investigator is compensated for such appearance, and to protect the Department's right to reimbursement, investigators shall follow the established procedures for the receipt of a civil subpoena.

317.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the investigator or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

317.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action that seeks to subpoena an investigator must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the investigator make multiple appearances must make an additional deposit in advance.

## 317.4 OVERTIME APPEARANCES

If the investigator appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

The overtime on such appearance will be paid from the time the investigator left his/her residence until he/she returned.

## 317.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

317.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed investigator shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

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317.5.2 COURTROOM ATTIRE
Employees shall dress in business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

## 317.6 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief, District Attorney's Office in criminal cases, County Counsel or prosecutor, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding including, but not limited to, personnel and/or disciplinary matter.

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# Chapter 4 - Field Operations

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# Bias-Based Policing

## 400.1 PURPOSE AND SCOPE

This policy provides guidance to the Los Angeles County District Attorney's Office Bureau of Investigation's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

### 400.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

## 400.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity, nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

## 400.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an investigator from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 400.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

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(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

## 400.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

### 400.4.1 REASON FOR CONTACT

Investigators contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved investigator should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any investigator to document a contact that would not otherwise require reporting.

### 400.4.2 REPORTING OF STOPS

**PURPOSE AND SCOPE**

The Racial and Identity Profiling Act (RIPA) was formed as part of Assembly Bill 953. The bill requires that on or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department. On or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Government Code § 12525.5) Unless an exception applies under 11 CCR 999.227, an investigator conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report.

**DEFINITIONS**

The following definitions relate to terms used within this policy:

**Peace officer:** Any sworn Department member with peace officer status.

**Stop:** Any detention of a person and/or search, including a consensual search, of the person’s body or property in the person’s possession or control.

**DATA COLLECTION**

Peace officers within the Department shall complete all applicable data fields in a stop data report for each stop. The data fields include, but are not limited to, the following:

1. The time, date, duration and location of the stop.

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2. The reason for the stop.
3. The result of the stop, such as, no action, warning, citation, property seized or arrest.
4. If a warning or citation was issued, the warning provided, or violation cited.
5. If an arrest was made, the offense charged.
6. The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make his or her determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless any actions specified under subsection 7 apply in relation to a passenger, in which case the characteristics specified in this section shall also be reported for them.
7. Actions taken by the peace officer during the stop, including, but not limited to, the following:
    (a) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
    (b) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
    (c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

When multiple investigators conduct a stop, the investigator with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227 999.227). If multiple agencies are involved in a stop and the Los Angeles County District Attorney's Office Bureau of Investigation is the primary agency, the Los Angeles County District Attorney's Office Bureau of Investigation investigator shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the investigator’s shift or as soon as practicable (11 CCR 999.227).

### 400.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved investigator and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.
(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between investigators and the public to ensure compliance with the policy.

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(a) Supervisors should document these periodic reviews.

(b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

## 400.6 ADMINISTRATION

Each year, the Administrative Division Captain should review the efforts of the department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief.

The annual report should not contain any identifying information about any specific complaint, member of the public or investigators. It should be reviewed by the Chief to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

## 400.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

## 400.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against investigators is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

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# Crime And Disaster Scene Integrity

## 401.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

## 401.2 CRIME SCENE RESPONSIBILITY

The first investigator at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Investigators shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an investigator has assumed or been assigned to maintain the integrity of the crime/disaster scene, the investigator shall continue to do so until he/she is relieved by a supervisor.

### 401.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Secure the inner and outer perimeter if needed.

(f) Protect items of apparent evidentiary value.

(g) Identify potential witnesses.

(h) Start a chronological log noting critical times and personnel allowed access.

## 401.3 SEARCHES AT CRIME OR DISASTER SCENES

Investigators arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once investigators are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Investigators should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

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### 401.3.1 CONSENT

Investigators should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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# Special Response Team

## 402.1 SPECIAL RESPONSE TEAM PROTOCOL

(a) All aspects of any/or all existing Agreements and MOU's between ALADS and management shall continue to be in full-force and effect.

(b) Investigators assigned (including volunteers and/or loans) to the Special Response Team (SRT) shall continue to accrue regular unit seniority as if they continued to work at said unit.

(c) Time spent by investigators loaned to SRT shall count as time spent at their regular units of assignment.

(d) Investigators loaned to SRT that are receiving bilingual pay shall continue to receive such pay for the duration of their loan period; additionally there shall be no reduction in the total number of such bilingual positions as a consequence of the SRT.

(e) The SRT is a voluntary position. No investigator shall be compelled to serve in this assignment. Investigators who wish to discontinue their service in this assignment will be allowed to terminate their involvement without explanation or excuse.

(f) All investigators temporarily assigned to SRT shall return to their regular assignments at the end of their SRT deployment.

(g) No investigator's compensation shall be adversely impacted because of SRT.

(h) It is the intent of the parties that investigators shall be compensated pursuant to the terms of the MOU.

(i) Investigators assigned to the SRT shall be permitted to wear attire which is suitable for a security location while maintaining a professional appearance.

(j) Investigators assigned to SRT shall be promptly reimbursed for all reasonably accrued out-of-pocket expenses related to said SRT, not to include meals. To the extent reasonably possible, expenses shall be pre-approved by the SRT squad leader/ supervisor.

(k) A minimum of two (2) full-time, permanent sworn investigators shall at all times be assigned to protect each principal during protection details.

(l) Investigators assigned to the SRT shall at all times have operational access to use county vehicles for deployment assignment(s) and no Investigators shall be required to utilize their personal vehicles for any proactive operational SRT assignment. In no case shall SRT investigators be permitted and/or required to utilize their personal vehicle to drive to the location of a SRT field deployment (this language is not intended to prevent investigators from driving their personal vehicle to the location of any pre-operational briefings).

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(m) Investigators assigned to the SRT shall, consistent with this Agreement, be deployed as directed by the SRT commander. Squads shall be rotated; and consideration for deployment shall be predicated on the availability of each respective squad.

(n) The nature of SRT requests a reasonably rapid, and in some situations immediate response. Ongoing SRT security assignments shall permit more scheduling flexibility; and, in these situations, every effort shall be made to post the schedule at least ten (10) calendar days in advance.

(o) Investigators assigned to the SRT shall have access inside the residence/quarters of the assigned principal(s) for security-related duties during protection details.

(p) Management shall insure that the most current intelligence shall promptly be relayed to all on-duty investigators assigned to the SRT.

(q) Investigators assigned to the SRT shall have the option of utilizing/carrying any authorized weapon for which they are qualified.

(r) The assignment of investigators to the SRT shall be conducted in a manner consistent with the process specified in the SRT Implementation Plan.

(s) Investigators assigned to the SRT shall be deployed in a manner designed to provide optimum officer safety.

(t) Investigators assigned to the SRT shall at all times be provided with all necessary equipment.

(u) Work schedules and compensation for work performed shall at all times be consistent with the MOU and the Fair Labor Standards Act.

(v) Every effort shall be undertaken by management to obtain and promptly communicate to on-site Investigators assigned to the SRT the written itinerary of each principal at least twenty-four (24) hours in advance during protection details.

(w) Supervisors/Squad leaders at security locations shall have the authority to instruct the principal(s) that protective services shall not be provided if, in their professional judgment, the proposed activity of the principal is unreasonable, unsafe, and the ability to the investigator(s) assigned to the SRT to protect the principal has been greatly diminished or there are officer safety issues involved during protection details.

(x) No investigator shall be requested or required to perform any duty, which is not generally performed by an 830.1 peace officer.

(y) In operations involving 24 hour security of the principal and principal’s residence, if a SRT investigator must leave a principal or principal’s residence for any reason, another investigator shall be assigned as soon as possible to the principal/residence to ensure officer safety during protection details.

(z) Management shall formulate a curriculum and train all investigators assigned to the SRT in a dignitary or witness protection/security course that is appropriate for the

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assignments encountered within the scope of responsibility of the District Attorney's Office. Such training shall be completed within one (1) year or as soon as classes are made available by the Department of Justice and/or P.O.S.T. Thereafter, all newly appointed investigators to the SRT shall be given comparable training within one (1) year of appointment or as soon as classes are made available through the Department of Justice and/or P.O.S.T.

(aa) While assigned to a security detail at the principal's residence/quarters, the investigators assigned to the SRT shall have access to restrooms, and shall be extended all other reasonable amenities and accommodations. If this is not possible, the Bureau of Investigation shall make all efforts to provide said accommodations during protection details.

(ab) Squad leaders shall be responsible for assessing the security operation and determining what equipment is needed. However, investigators assigned to the SRT shall at all times be provided with or have access to essential equipment.

(ac) The minimum qualifications for an investigator to be considered for assignment to the SRT are provided for in the SRT Implementation Plan.

(ad) The method of selection to the SRT is provided for in the SRT Implementation Plan.

(ae) Training for investigators assigned to the SRT is provided for in the SRT Implementation Plan.

(af) Management agrees to support a union request for a reasonable pay differential for investigators assigned to the SRT in subsequent negotiations for a Unit 611 Successor Salary MOU.

(ag) The SRT shall be utilized in a manner consistent with the SRT Implementation Plan. However, the guiding principle shall be to preserve the lives and safety of investigators and the public. Therefore, specifically excluded from consideration for SRT deployment shall be the following:

(a) Barricaded suspects;

(b) Hostage situations;

(c) Chemical, biological, and nuclear threats;

(d) Defusing bombs;

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(e) Location and/or suspect is known to have assault weapons (automatic weapons);

(f) If suspect is wanted for armed assault on a peace officer;

(g) Situations having three or more of the following hazards associated with the operation shall be permitted on a case-by-case basis by the SRT commander:

i. Barred doors and windows;

ii. CCTV monitors or alarms;

iii. Guard dogs;

iv. Third strike candidate;

v. Violent criminal history;

vi. Handguns believed to be at location;

vii. Suspect has made threats against officers;

(h) Any other situation where the apparent level of threat suggests that a regular SWAT team should be deployed in lieu of the SRT.

(i) In the event a request is declined by a tactical team (i.e. SWAT, SEB, CERT, local agency tactical team) because the request does not meet their minimum threshold, the request shall be resubmitted to the SRT commander for consideration for SRT deployment.

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## 402.2 SPECIAL RESPONSE TEAM IMPLEMENTATION PLAN

This plan is written to address issues relating to the implementation and function of the Bureau's Special Response Team (SRT). The goals and objectives set forth in this proposed implementation plan are both practical and consistent with the Bureau's commitment to insuring public safety and minimizing civil liability. Included in this proposal is the projected mission statement, team composition, proposed training, squad deployment, squad member selection process, and operational plan.

See attachment: P.O.S.T. Job Related Work Sample Test Battery.pdf

### 402.2.1 SRT MISSION STATEMENT

The Los Angeles County District Attorney's, Bureau of Investigation, Special Response Team (SRT) is the District Attorney's first line law enforcement response unit in all major emergencies or special situations; including natural disasters, national emergencies, civil disobedience (riots), terrorist actions, and all occurrences designated as emergency or special situations by the District Attorney or the Chief of the Bureau of Investigation. The SRT provides support for sections within the Bureau of Investigation, including the security and protection of district attorney personnel, as determined by the Operations Section Sergeant or Major Crimes Lieutenant. Support for these sections shall include threat assessment, tactical planning, and search or arrest warrant entries, as requested by the section lieutenant, through the chain of command.

The SRT mission is to provide a strategic tactical response and/or assessment in situations affecting field operations within the Los Angeles County District Attorney's Office. The mission is also to assist local, county, state and federal law enforcement agencies in major emergency or special situations, as requested by the District Attorney or the chief of the Bureau of Investigation.

The mission is to be accomplished with the highest regard for public safety and is intended to provide an additional resource to the law enforcement community in times of emergency. The SRT shall also provide an additional resource for the Bureau of Investigation to utilize in accomplishing tactical field operations.

### 402.2.2 SRT TEAM COMPOSITION AND RESPONSIBILITIES

The SRT shall be comprised of a SRT commander, SRT coordinator, SRT assistant coordinator and three platoons. Each platoon shall be given a letter designation (i.e., "A" Platoon, "B" Platoon and "C" Platoon). Each platoon shall consist of two squads. Each team shall be given a color designation (i.e. Red Squad, Blue Squad, Green Squad, Gold Squad, Grey Squad and Orange Squad). Each squad shall consist of a minimum of one supervising investigator and ten team members (entry level investigators with special talents may be used in place of senior investigators, at the discretion of the SRT coordinator with the approval of the SRT commander.

### 402.2.3 SRT COMMANDER

The Chief of the Bureau of Investigation shall designate the SRT commander. The SRT commander shall be responsible for deployment of SRT squads, as directed by the Chief of the Bureau of Investigation, through the chain of command. All training and field operations shall be

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approved by the SRT commander. In the absence of the SRT commander, the Special Operations captain or his designee shall assume command of the SRT.

402.2.4 SRT COORDINATOR

The SRT coordinator shall be a sergeant, who meets the minimum qualifications and selected by the SRT commander. The SRT coordinator shall operate under the direction of the SRT commander and shall be responsible for the preparation of a monthly report detailing all SRT activity and training. The memorandum is to be submitted to the SRT commander and forwarded to the chief of the Bureau of Investigation. The SRT coordinator shall be responsible for coordinating training, managing issues relating to the policies and procedures of the SRT, and overseeing procurement and logistics, as directed through the chain of command, by the SRT commander. The SRT commander shall designate an assistant SRT coordinator to assist in managing the SRT. The assistant SRT coordinator shall be a sergeant, who meets the minimum requirements as a SRT member and selected by the SRT coordinator with the approval of the SRT commander.

402.2.5 SRT SQUAD LEADERS

Sergeants shall be designated as squad leaders. The squad leader is the field commander for their squad. The squad leader is responsible for assessing emergency or special situations and overseeing the planning and implementation of an operational strategy. When an SRT squad is deployed or asked to provide a tactical assessment of a proposed field operation, the squad leader shall be responsible for preparing an “after action report” detailing the squad’s actions in response to the call for assistance. All squad leaders are required to attend a quarterly SRT squad leaders’ meeting. Squad leaders may designate a representative team member to attend this meeting if they become unavailable. The purpose of this meeting is to plan the monthly SRT training. It is essential that all squad members receive uniform monthly training. Squad leaders shall agree upon the proposed training for the SRT at each quarterly meeting. Squad leaders are responsible for the preparation of a brief written statement outlining the monthly training. The report shall be submitted to the SRT coordinator who shall forward the report to the SRT commander. The SRT commander shall forward this report to the chief of the Bureau of Investigation, through the chain of command.

402.2.6 SRT SQUAD MEMEBERS

Squad members are assigned to a squad leader (sergeant). Each squad member shall perform at the direction of the squad leader. All squad members are expected to keep all their tactical gear and emergency equipment in their vehicles or secured at their regular worksites at all times. Squad members are expected to maintain good physical conditioning and maintain a minimum range qualification score of 275 or higher during each quarterly qualification. Squad members (including the SRT coordinator, assistant coordinator and squad leaders) shall be required to pass the annual (task specific) physical agility test. The test shall be designed to insure squad members maintain minimal physical conditioning standards, and are able to perform the specific job tasks associated with this specialized unit. The proposed physical agility test to be utilized is a Peace Officer

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Standards and Training (POST) developed course, known as the POST Job-Related Work Sample Test Battery. This is the same test utilized by the Los Angeles County Sheriff's Department during their initial application process. The course consists of a 99 yard agility run, a 32 foot "body drag," climbing a 6-foot chain link fence, climbing a 6-foot solid wall, and a 500 yard run. The course is designed to "demonstrably relate to performance of essential patrol officer job functions." The function of the SRT, as proposed, is in-line with the job specific physical agility testing of this course. SRT members working security details or crowd control/multi-arrest situations can be expected to perform actions that parallel those in the physical agility test.

The continued participation of all SRT squad members (including the SRT coordinator, assistant coordinator and squad leaders) is contingent upon the investigators' ability to maintain a minimum range qualification score of 275 or higher, pass the annual physical agility test, effectively maintain their caseload at their regular assignment and maintain an annual performance of at least "competent" or better in each of the work product and work behavior categories. Squad members who become involved in cases which require their uninterrupted attention, or who are unable to manage their caseloads because of SRT demands, may be removed from the squad.

All SRT members shall be notified in writing three (3) months prior to the scheduled physical agility testing date. A minimum score of 384 must be obtained to pass the test. Personnel who fail to attain the minimum 384 score on the scheduled test date shall be scheduled for a retest date to be conducted no sooner than six weeks from the date of the initial test. Investigators who fail to score 384 or better on the retest shall be removed from the SRT.

When an investigator fails to score 275 or better during their scheduled range qualification period, the investigator shall notify his/her squad leader in writing that their score is lower than the required minimum score of 275. The investigator shall be expected to raise his/her score to 275 or better on his/her next scheduled range date. If the investigator is unable to raise his/her score to 275 by the next scheduled range date, he/she shall be removed from the SRT. A squad member may be reinstated, at the discretion of the SRT commander, after demonstrating that he/she can maintain the minimum range qualification standards. Squad members who are removed from the SRT because of demanding caseloads, may be reinstated upon receipt of a memorandum from their supervisor or lieutenant indicating that the investigator's caseload has been brought to a manageable level, and his/her participation with the SRT would probably not adversely affect his/her performance at their regular duty assignment. Any reinstatement of squad members shall be done with the reasonable approval of the SRT commander as openings become available.

### 402.2.7 SRT SQUAD DEPLOYMENT

SRT squads shall be selected on a rotating basis, or upon the availability of squad members. The squad member's regular duty sergeant shall be consulted regarding the availability of each investigator for deployment on a SRT assignment. Squads with unavailable squad members may be bypassed in favor of squads with a full complement of squad members.

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### 402.2.8 SRT SELECTION PROCESS

All aspiring SRT squad members or Squad Leaders are required to submit a memorandum to the SRT coordinator listing their qualifications and related law enforcement experience. The investigator shall also be required to pass the prescribed physical agility test and qualify at the range with a minimum range qualification score of 275. Each applicant shall be required to submit to a background investigation. The background investigation shall consist of a review of the investigator's personnel file, including a review of employee time records and evaluations, along with comments from current and former co-workers and supervisors. The SRT commander shall review all data generated through the selection process and make recommendations to the Special Operations captain. The Special Operations captain shall make recommendations to the chief of the Bureau of Investigation for selection to the SRT, based on the specific needs of the unit. All acceptable candidates shall be placed on an availability list. The chief of the Bureau of Investigation shall make the final decision regarding the selection of all SRT personnel.

The SRT is a **voluntary, part-time performance based unit.** Vacancies are expected to occur as investigators transfer out of the unit or are no longer able to meet the established criteria. Investigators may choose to terminate their involvement in the SRT at any time without explanation, threat or reprisal.

Management reserves the right to remove an investigator from the SRT if he/she is not able to maintain the minimum prescribed standards, or if in the reasonable opinion of management, the investigator is unable to maintain the skill level, professionalism, or adaptability necessary for the continued participation in the assignment. Competent service in the SRT shall not be a basis for downgrading any Performance Evaluation (PE) and/or any Appraisal of Promotability (AP). Nor shall any negative comments be mentioned in any PE and/or AP regarding or concerning an investigator's competent service in the SRT. An investigator's voluntary removal from the SRT in and of itself shall not negatively impact his/her yearly PE or any future AP's.

### 402.2.9 SRT MINIMUM QUALIFICATION

All SRT applicants shall be off probation and have an annual performance evaluation of at least "competent" or better in each of the Work Product and Work Behavior categories.

### 402.2.10 SRT TRAINING

SRT members shall participate in an average of eight (8) hours of training monthly. Once a quarter the eight (8) hour monthly mandatory training shall be a session designed to provide task specific training in emergency or special response situations. All squad members shall be required to attend a training course in dignitary or witness protection within one (1) year of their assignment to the SRT, or as soon as classes become available. All members shall complete the Federal Emergency Management Administration (FEMA) approved on-line Incident Command (IC) 100 and 200 courses within ninety (90) days of their assignment. Each squad shall train together and become familiar with the latest search and security techniques. Members shall receive regular training in "combat shooting," as well as updates on officer safety issues and tactics, search and

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seizure concerns, use of force issues, Code-3 driving, and first aid within one (1) year of their assignment to the SRT, or as soon as classes become available.

### 402.2.11 SRT EQUIPMENT

SRT members are required to have all their county issued and SRT equipment readily available including handguns, “pepper spray,” ballistic vest, ASP baton, handcuffs, portable radio and cellular telephone. In addition to the regularly issued equipment, SRT members shall receive ballistic helmets with shields and a gas mask. A “pick and ram” shall be provided for each squad. Each squad shall have access to rain gear, daytime and night vision binoculars and additional ammunition. The SRT commander shall regularly assess the need to acquire new equipment.

### 402.2.12 SRT VEHICLES

Investigators assigned to the SRT shall at all times have operational access to use county vehicles for any deployment assignment(s) and no investigator shall be required to utilize his/her personal vehicle for any proactive operational SRT assignment. In no case shall SRT investigators be permitted and/or required to utilize their personal vehicles to drive to the location of an SRT field deployment (this language is not intended to prevent investigators from driving their personal vehicles to the location of any pre-operational briefings).

### 402.2.13 SRT OPERATIONAL PLAN

In all incidents involving the security and protection of District Attorney personnel, the Operations Section sergeant shall conduct the initial threat assessment prior to activation of the SRT. A memorandum detailing the circumstances of the threat and recommended security measures shall be prepared and forwarded through the chain of command, to the chief of the Bureau of Investigation. In the absence of the sergeant, the SRT commander or his designee shall complete this assessment. Once a threat is determined to be viable, the SRT commander shall coordinate the security operation.

The Major Crimes Section (Orange Squad) is designated as the primary response team in all major emergency or special situations for the Bureau of Investigation. Orange Squad shall be given the first right of refusal to be the first responder to any emergency or special requests for SRT assistance. The first squad leader on scene shall assess the emergency or special situation and make recommendations to the SRT commander regarding the necessity to deploy additional SRT squads. The SRT commander shall relay these recommendations, through the chain of command, to the chief of the Bureau of Investigation.

The Chief of the Bureau of Investigation or his designee shall make the ultimate decision regarding the deployment of SRT personnel. If it is determined that additional SRT squads are needed, the SRT commander shall notify all SRT squad leaders regarding the emergency or special situation. SRT squads shall be selected on a rotating basis, or upon the availability of squad members. The squad member’s regular duty sergeant shall be consulted regarding the availability of each investigator for deployment on an SRT assignment. Squads with unavailable squad members shall be bypassed in favor of squads with a full complement of squad members.

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In the event of a designated emergency or special situation (occurring before or after regular work hours 0830 – 1700 hours), the SRT commander or his designee shall contact and assign a squad leader. The squad leader shall be responsible for contacting and briefing his squad members regarding the emergency or special situation. The squad leader is also responsible for ensuring a prompt response from his squad to all emergency or special situations, and for ensuring all necessary equipment to perform the task is on-scene. As soon as practical, the supervisors and/ or lieutenants of the assigned SRT personnel shall be notified.

Once the SRT squad arrives on-scene of an emergency or tactical situation, the squad leader becomes the Bureau Incident Commander (BIC). The incident commander is then responsible for assessing the situation and reporting to the SRT commander any concerns or requests for additional squads to be deployed. The SRT commander shall relay this information, through the chain of command, to the Chief of the Bureau of Investigation. The Chief of the Bureau of Investigation or his designee shall approve all requests for additional SRT units. If SRT squads are deployed into problems in which other agencies are involved, the incident commander shall immediately contact the other agency's designated liaison or management representative on-scene. Any request from other agencies for additional manpower shall be communicated to the SRT commander and forwarded to the chief of the Bureau of Investigation, through the chain of command.

### 402.3 SRT DEPLOYMENT REQUESTS

Any section lieutenant may request the assistance of the SRT for use on a search or arrest warrant entry. The criteria for deployment of the SRT in these situations shall consist of the following:

(a) If the operation is in a high crime area which creates a need for swift tactical entry and security for searching investigators during the execution of the warrant.

(b) If there is an expectation of multiple suspects or multiple associates of the suspect within a residence.

(c) If the search location is an apartment complex in which multiple associates or family members are believed to reside.

(d) If the suspect has a criminal history which indicates a propensity toward violent behavior.

(e) If the suspect, or any family members or associates, believed to reside in the location, have any violent felony warrants.

(f) If there is any indication that the suspect is likely to flee.

(g) If there is a multi arrest or search warrant situation which creates special problems and necessitates deployment of a specialized tactical field unit.

(h) If the section lieutenant believes the interests of the District Attorney's Office would be better served if the warrant was executed by a SRT.

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The above listed criteria are examples of the kinds of situations that would necessitate deployment of a SRT. There are no all-inclusive criteria for deployment of a SRT in search and arrest warrant situations. The designated SRT squad leader shall personally survey and evaluate each request for assistance. A tactical plan shall be developed in response to the squad leader's evaluation. The section lieutenant and the SRT commander must agree on the necessity for deployment of SRT personnel. The need for SRT personnel must be communicated to the Chief of Bureau of Investigation, through the chain of command. If it is determined that the plan cannot safely be carried out, given the available manpower, equipment, and skill level of the SRT, then the operation shall be referred to the local police agency with jurisdiction over the specific area.

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# Hazardous Material Response

## 403.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

### 403.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 403.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, shelter in place or mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an investigator comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

## 403.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the BOI Chief. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

### 403.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, first aid equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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# Response to Bomb Calls

## 404.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist investigators in addressing incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

## 404.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When addressing an incident involving a suspected explosive device, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate law enforcement bomb squad should be summoned for assistance.

(b) A minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.

(c) As much information as is available should be promptly relayed to the appropriate law enforcement agency including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction) of the device.

(d) The device should not be touched or moved except by qualified bomb squad personnel.

(e) All equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

(f) Consideration should be given to evacuating any buildings near the device.

(g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad.

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## 404.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding investigators. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, investigators should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid (Fire Department has primary responsibility).
- Assist with evacuation of victims (Fire Department has primary responsibility).
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

### 404.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire Department

(b) Bomb Squad

(c) Additional investigators

(d) Field supervisor

(e) Command Staff

### 404.3.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

### 404.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be embedded in nearby structures or hanging in trees and bushes.

## 404.4 BOMB THREATS RECEIVED AT BUREAU FACILITY

This procedure shall be followed should a bomb threat call be received at any District Attorney facility.

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### 404.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb threat is received at the District Attorney's Office:

- When is the bomb going to explode?
- Where is the bomb right now?
- What does the bomb look like?
- What kind of bomb is it?
- What will cause it to explode?
- Why?
- What is your name?
- What is your address?
- What is your telephone number?
- Where are you now?
- How can I contact you?
- Attempt to keep the caller on the line as long as possible.

If the incoming call is received at a District Attorney facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

Immediately report the call to the local law enforcement by calling 911. Report the call to the District Attorney Command Center at (213) 974-3607.

See attachment: LADA BOMB Threat Info Card.pdf

### 404.4.2 RESPONSIBILITIES

The sworn employee handling the call shall ensure that Dispatch is immediately advised and fully informed of the details. The on-scene supervisor will then direct and assign investigators as required for coordinating a general building search or evacuation as he/she deems appropriate.

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# Mental Illness Commitments

## 405.1 PURPOSE AND SCOPE

This procedure describes an investigator's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an investigator believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

## 405.2 AUTHORITY

Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the investigator, or other individual authorized by statute who has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the investigator, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

## 405.3 INVESTIGATOR CONSIDERATIONS AND RESPONSIBILITIES

Any investigator handling a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

(a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.

(b) Conflict resolution and de-escalation techniques.

(c) Language that is appropriate for interacting with a mentally disabled person.

(d) If circumstances permit, alternatives to deadly force.

(e) Any available community resources that can assist in dealing with a mentally disabled individual.

### 405.3.1 TRANSPORTATION

When transporting any individual for a "5150" commitment, the handling investigator should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether or not any special medical care is needed.

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Investigators may transport patients in a Agency vehicle and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The investigator will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the investigator and physically remain in the treatment room with the patient.

405.3.2 RESTRAINTS

If the patient is violent or potentially violent, the investigator will notify the mental health staff of this concern. The mental health staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the investigator will wait while they are being applied to help provide physical control of the patient, if needed.

405.3.3 MENTAL HEALTH DOCUMENTATION

The investigator will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The investigator will retain a copy of the 72-hour evaluation for inclusion in the investigator's report. The investigator shall also provide a verbal summary to the mental health staff member regarding the circumstances leading to the involuntary detention.

405.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and investigators determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the Agency vehicle.

## 405.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the appropriate jail facility. If the person has injuries or some other medical condition, he/she may be taken directly to a hospital and the investigator's supervisor shall be notified as soon as practical.

## 405.5 TRAINING

As a part of advanced officer training programs, the Agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

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# Cite and Release Policy

## 406.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

## 406.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

### 406.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, investigators are encouraged to use sound discretion in the enforcement of the law. On-duty investigators who discover criminal activity outside the jurisdiction of the County should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty investigators observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved investigator shall clearly identify him/herself as a police officer.

Investigators are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

## 406.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

### 406.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

### 406.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present (Penal Code § 853.6(i)):

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(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety.

1. The Los Angeles County District Attorney's Office Bureau of Investigation shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.

1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting investigator, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.

2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the investigator may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.

3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

(j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.).

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When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the investigator's report. The report shall be submitted to the unit supervisor for approval.

406.3.3 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.3.3, the unit supervisor shall state specifically on the investigator's report the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job, or family.

(c) Unusual circumstances lead the investigator to conclude that the suspect should be held for further investigation.

406.3.4 INSTRUCTIONS TO CITED PERSON

The citing investigator shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

## 406.4 CITATION RELEASE ON MISDEMEANOR WARRANTS

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace investigator.

(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

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(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this section.

### 406.5 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exception:

- Misdemeanor traffic violations of the Vehicle Code

All other misdemeanor violations for juvenile shall be documented with a case number and the case should be referred to the Bureau of Investigation for further action including diversion.

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# Arrest or Detention of Foreign Nationals

## 407.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to investigators when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State website.

### 407.1.1 DEFINITIONS

**Foreign National -** Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity -** Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 407.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Investigators should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the investigator, and the investigator has verified or reasonably suspects that the claim of immunity is valid.

## 407.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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### 407.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

### 407.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

### 407.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

## 407.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA).

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407.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the investigator has reason to question the legitimate possession of the license plate.

## 407.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

407.5.1 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 420.7 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the investigator or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the investigator has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

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Office of Foreign Missions

San Francisco, CA

(415) 744-2910, Ext. 22 or 23

(415) 744-2913 FAX

(0800-1700 PST)

Office of the Foreign Missions

Los Angeles, CA

(310) 235-6292, Ext. 121 or 122

(310) 235-6297 FAX

(0800-1700 PST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Emergency Management Agency (Cal EMA), local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be

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permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

### 407.6 TRAFFIC COLLISIONS

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### 407.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Investigators shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance.

(c) Investigators shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the investigator's presence.

After a lawful detention or criminal arrest, investigators may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Investigators shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Investigators shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an investigator arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the investigator shall promptly advise the individual that he/she is entitled to have his/her government notified of the

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arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the investigator shall begin the notification process.

### 407.7.1 ARREST PROCEDURE

Whenever an investigator physically arrests or detains an individual for criminal investigation and the investigator reasonably believes the person to be a foreign national, the investigator shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the investigator shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the investigator shall provide notification as soon as practical to the appropriate embassy/consulate. Investigators shall note the following information concerning the individual:

- Country of citizenship.
- Full name of individual, including paternal and maternal surname, if used.
- Date of birth or age.
- Current residence.
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, investigators shall make notification as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

### 407.7.2 DOCUMENTATION

Investigators shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

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# Rapid Response And Deployment Policy

## 408.1 PURPOSE AND SCOPE

Violence in workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding investigators as they make decisions in these rapidly unfolding and tense situations.

## 408.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident until relived by the appropriate law enforcement authority.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

## 408.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding investigators should consider reasonable options to immediately eliminate the threat. Investigators must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action investigators should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more investigators whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the investigators have the ability to effectively communicate with others in the field.

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(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, investigators should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the investigator should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

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# Reporting Police Activity Outside of Jurisdiction

## 409.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Los Angeles County District Attorney's Office Bureau of Investigation.

### 409.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When an investigator is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or seek approval from the duty Captain through the Command Center. If the request is of an emergency nature, the investigator shall notify the Command Center before responding and thereafter notify a supervisor as soon as practical.

### 409.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty investigator, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Los Angeles County shall notify his or her supervisor or Dispatch at the earliest possible opportunity. Any off-duty investigator who engages in any law enforcement activities, regardless of jurisdiction shall notify their supervisor or Command Center as soon as practical.

The supervisor shall determine if a case report or other documentation of the investigator's activity is required. The report or other documentation shall be forwarded to the Chief through the chain of command.

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# Immigration Violations

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Los Angeles County District Attorney's Office Bureau of Investigation relating to immigration and interacting with federal immigration officials.

### 410.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 410.2 POLICY

It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 410.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

## 410.4 IMMIGRATION INQUIRIES PROHIBITED

Investigators shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code 7284.6).

## 410.5 DETENTIONS

An investigator shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code §7284.6)

An investigator who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 UCS § 1326(a) (unlawful reentry) that may be

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subjected to enhancement may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the investigator has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An investigator shall not detain any individual, for any length of time, for any other criminal violation of federal immigration laws (Government Code § 7284.6).

An investigator shall notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### 410.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an investigator has arrested an individual for violation of 8 USC § 1326(a), the supervisor should determine whether it is appropriate to:

a. Transfer the person to federal authorities.

b. Transfer the person to jail.

### 410.6 POLICY REGARDING U VISA CERTIFICATION

In order to promote uniformity in the processing of U Visa certification requests presented to the Office of the District Attorney, the following policy is established:

#### 410.6.1 DESIGNATED OFFICIAL

The head of a certifying agency or a designee in a supervisory role is authorized to issue such certification. Agency Directors are designated by the District Attorney as those authorized to issue U Visa certifications on behalf of the District Attorney for cases prosecuted within their respective agencies.

#### 410.6.2 FOUNDATIONAL REQUIREMENTS

A certification will only be considered with regard to a case that has been filed by the Office of the District Attorney. Certification requests for cases which our Office has declined to prosecute shall be considered on a case by case basis, but may be returned to the victim or requesting party with the instruction that the certification be submitted to the law enforcement agency that investigated the alleged crime. In the absence of extraordinary circumstances, it is the policy of this Office that

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a certification for a U Visa application will only be considered following a detailed review of the witness and/or victim's successful involvement and cooperation in the case.

## 410.7 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

## 410.8 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

### 410.8.1 IMMIGRATION DETAINERS

No individual shall be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable case determination for a felony punishable by time in a state penitentiary.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 410.8.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification or transfer request along with

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information as to whether the Los Angeles County District Attorney's Office Bureau of Investigation intends to comply with the request (Government Code § 7283.1).

If the Los Angeles County District Attorney's Office Bureau of Investigation provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person whom the individual may designate (Government Code § 7283.1).

#### 410.8.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Los Angeles County District Attorney's Office Bureau of Investigation shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the language specified in Government Code § 7283.1.

#### 410.8.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exists:

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 410.9 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Bureau of Investigation supervisor assigned to oversee the handling of any related case. The Bureau of Investigation supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

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(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.1 (Human Trafficking).

(d) Ensure that any decisions to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

#### 410.9.1 TIME FRAMES FOR COMPLETION

Investigators and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for a T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Investigators and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

#### 410.9.2 REPORTING TO LEGISLATURE

The Bureau of Investigation supervisor or the authorized designee shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

### 410.10 TRAINING

The training sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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# Obtaining Air Support

## 411.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

## 411.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or investigator in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

### 411.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, Dispatch, will call the closest agency having helicopter support available. The Operations supervisor will apprise that agency of the specific details of the incident prompting the request.

### 411.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for investigators on the ground.

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# Detentions And Photographing Detainees

## 412.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the investigator, the decision to FI or photograph a field detainee shall be left to the discretion of the involved investigator based on the totality of the circumstances available to them at the time of the detention.

## 412.2 DEFINITIONS

**Detention** - Occurs when an investigator intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an investigator actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an investigator contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the investigator is voluntary.

**Field Interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the investigator's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** - This type of search is used by investigators in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the investigator, the detainee, or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an investigator has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

## 412.3 FIELD INTERVIEWS

Investigators may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the investigator should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

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(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.

(c) The hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The investigator has knowledge of the suspect's prior criminal record or involvement in criminal activity.

412.3.1 INITIATING A FIELD INTERVIEW

An investigator may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the investigator's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Los Angeles County District Attorney's Office Bureau of Investigation to strengthen our community involvement, community awareness and problem identification.

412.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, investigators should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, investigators should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor,

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consent should be obtained from the parent or guardian, if available, prior to transportation.

## 412.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an investigator reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the investigator has fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single investigator.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by investigators of the same gender.

## 412.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the investigator shall carefully consider, among other things, the factors listed below.

### 412.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the investigator should have the individual read and sign the appropriate form accompanying the photograph.

### 412.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The investigator must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

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# Use of Audio/Video Recorders

## 413.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while conducting criminal investigations.

## 413.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

An investigator shall not use a recording as a substitute for note taking, but as a supplement. An investigator can replay the recording to complete his/her notes.

## 413.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

## 413.4 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

When an interview is being conducted and recorded between a suspect, his/her attorney, and the investigator, the investigator shall not leave the room if the conversation between the suspect and his/her attorney is still being recorded or monitored.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

## 413.5 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and

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download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

### 413.6 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor or any member of the Department, who is participating in an official criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

### 413.7 RECORDING OF SEARCH WARRANT ENTRIES

All search warrant entries will be audibly recorded from the "knock and notice," through the actual entry, and continue until the location and the parties within the location are secured. Any deviation from this procedure will be based on prior approval by a Lieutenant or above and/or emergent circumstances. In either case, the reason the entry was not recorded will be detailed in the team leader's report.

Investigators will take either moving images and/or still images of the search warrant locations once the premises are secured and prior to the commencement of the search itself. Another set of images will be recorded after the completion of the search and prior to the search warrant team leaving the search location.

All audio and visual recordings will be stored and maintained consistent with Agency procedures regarding these recordings.

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## 413.8 SURREPTITIOUS RECORDINGS

Surreptitious tape recordings are a useful tool available to law enforcement in obtaining evidentiary information, which might not be obtained, if an individual knew he/she was being recorded. This form of evidence may be critical if the individual recorded denies what they said to you. However, there are certain laws we must adhere to on how and when a surreptitious recording can be legally conducted.

An Investigator shall not surreptitiously record interviews of, or conversations with, any individual who is represented by counsel, when the individual's counsel is present.

If, during the course of an investigation, an investigator wishes to surreptitiously record an interview of, or conversation with, an attorney who is a suspect in the case, the investigator shall first obtain approval from a Lieutenant or higher-ranking investigator.

A request for audio equipment to be used surreptitiously shall be approved by a section Lieutenant through the chain of command. If the equipment will be used in plain view with the knowledge of all involved parties, the approval of the investigator's supervisor is only required. The Technical Services form shall reflect whether or not the recording will be surreptitious.

### 413.8.1 FEDERAL AUTHORITY

The federal government enacted the Omnibus Crime Control and Safe Street Act (Title III) in 1968. This act set the minimum standards for federal privacy protection. However, the act permits the individual states "to enact more restrictive laws to protect the right to privacy." (People vs. Conklin (1974) 12 Cal. 3d 259, 271)

Title III permits a law enforcement officer, acting in the scope of his or her duties, "to intercept a wire, oral or electronic communication when the officer is a party to the communication or one of the parties to the communication has given prior consent to the interception or recording." (USC Section 2511 (2)(c )). Title III also gives similar permission to a private citizen. (18, USC Section 2511 (2)(d)).

### 413.8.2 STATE AUTHORITY

California does permit law enforcement officers to record or intercept a wire, oral or electronic communication when there is consent by one party or the law enforcement officer is a party to the conversation. However, California law does not extend the one party consent to private citizens.

### 413.8.3 CONFIDENTIAL COMMUNICATION

California Penal Code section 632 prohibits electronic eavesdropping or recording, without the consent of all parties, of any confidential communication.

"Confidential communication" means any communication regarding which a participant would have a reasonable expectation of privacy.

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### 413.8.4 LAW ENFORCEMENT EXCEPTION

California Penal Code section 633 provides an exception to section 632. This exception, known as the "Law Enforcement Exception," allows law enforcement officers exception from the "all party consent rule." The exception states:

Law enforcement persons, listed in Penal Code 633 (Attorney General, any district attorney, or any assistant, deputy, or investigator of the Attorney General or any district attorney, any officer of the California Highway Patrol, any chief of police, assistant chief of police, or police officer of a city or city and county, any sheriff, undersheriff, or deputy sheriff regularly employed and paid in that capacity by a county.), may tape record "their" telephone calls and "their" face-to-face conversations without consent of the other party. (Armenta v. Superior Court (1976) 61 CalApp3d 584.) **However, law enforcement persons are prohibited from recording a person's conversation with an attorney, physician, or religious advisor, because conversations involving these persons are privileged.**

Law enforcement officers, working within the scope of their authority, may direct another person to overhear or record any communication without the consent of the other party. The officer is not required to closely supervise the person. (People vs. Towery (1985) 174 CalApp3d 1114).

Conducting surreptitious recordings by the use of a body wire or other recording device also falls under the "law enforcement exception rule," as long as the recording is being conducted within the course and scope of the law enforcement officer's duties during the investigation of a crime. This also applies to private persons, who are directed by law enforcement persons. In these situations, the person wearing the body wire or carrying the recording device is actually giving consent to record the conversation.

### 413.8.5 OTHER EXCEPTIONS

Penal Code section 633.5, known as the "crime exception rule," allows the recording of face-to-face or telephone communications when there is reasonable belief that the recording will produce evidence of the following crimes; extortion, kidnapping, bribery, a felony involving violence against a person or a violation of Penal Code section 653m, obscene or harassing phone calls. This section applies to law enforcement persons as well as private citizens. (People vs. Parra (1985) 165 CalApp3d 874, 879)

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# Foot Pursuit Policy

## 414.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist investigators in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the investigator, the public or the suspect.

### 414.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that investigators must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Investigators are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Investigators must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

## 414.2 DECISION TO PURSUE

Investigators may be justified in initiating a foot pursuit of any individual the investigator reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an investigator must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no investigator or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an investigator should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

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(d) Aerial support.

(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

### 414.3 GUIDELINES FOR FOOT PURSUIT

Unless the investigator reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), investigators should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the investigator is acting alone.

(c) When two or more investigators become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single investigator keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The investigator is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing investigators do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the investigators renders them incapable of controlling the suspect if apprehended.

(g) When the investigator loses radio contact with Dispatch or with backup investigators.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient investigators to provide backup and containment. The primary investigator should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient investigators.

(i) The investigator becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to investigators or the public.

(j) The investigator reasonably believes that the danger to the pursuing investigators or public outweighs the objective of immediate apprehension.

(k) The investigator loses possession of his/her firearm or other essential equipment.

(l) The investigator or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

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(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.

(o) The investigator's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

## 414.4 RESPONSIBILITIES IN FOOT PURSUITS

### 414.4.1 INITIATING INVESTIGATOR RESPONSIBILITIES

Unless relieved by another investigator or a supervisor, the initiating investigator shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating investigator should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient investigators are present to safely apprehend the suspect.

Early communication of available information from the involved investigators is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Investigators initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Investigators should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any investigator unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the investigator will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

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#### 414.4.2 ASSISTING INVESTIGATOR RESPONSIBILITIES

Whenever any investigator announces that he/she is engaged in a foot pursuit, all other investigators should minimize non-essential radio traffic to permit the involved investigators maximum access to the radio frequency.

Any investigator who is in a position to intercept a fleeing suspect or who can assist the primary investigator with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

#### 414.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing investigators or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

#### 414.4.4 THE COMMAND CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and provide available information. Dispatch personnel are also responsible for the following:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing investigator as needed.

(c) Relay all pertinent information to responding personnel.

(d) Contact additional resources as directed by a supervisor.

(e) Coordinate response of additional resources to assist with the foot pursuit.

### 414.5 REPORTING

The initiating investigator shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.

(e) Any injuries or property damage.

Assisting investigators taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating investigator need not complete a formal report.

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# Homeless Persons

## 415.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide investigators during all contacts with the homeless, whether consensual or for enforcement purposes. The Los Angeles County District Attorney's Office Bureau of Investigation recognizes that members of the homeless community are often in need of special protection and services. The Los Angeles County District Attorney's Office Bureau of Investigation will address these needs in balance with the overall mission of this department. Therefore, investigators will consider the following when serving the homeless community.

### 415.1.1 POLICY

It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 415.2 FIELD CONTACTS

Investigators are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an investigator from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, investigators are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Investigators should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

### 415.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Investigators should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

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(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with Policy § 326.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

### 415.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Investigators should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, Investigators should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the Investigator, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Investigators should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

Investigators who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform his/her supervisor if such property appears to involve a trespass, blight to the community or is the subject of a complaint.

### 415.4 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Investigators shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (See Policy § 418).

When a mental illness hold is not warranted, the contacting investigator should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, investigators may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

### 415.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Investigators are encouraged to notify other appropriate agencies or departments when a significant impact to the environment

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has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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# Chapter 5 - Investigation Operations

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# Investigation and Prosecution

## 500.1 PURPOSE AND SCOPE

When assigned to a case for original jurisdiction or follow-up investigation, investigators shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

## 500.2 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the Deputy District Attorney assigned to the case as authorized by a sergeant and/or lieutenant.

## 500.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any criminal offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Investigators should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the investigator reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from their lieutenant.

Investigators should not allow the recording to take the place of a thorough report and investigative interviews.

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# Asset Forfeiture Policy

## 501.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

## 501.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer of this state having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

## 501.3 ASSET FORFEITURE PROCEDURE

When seizing currency, vehicles or personal property pursuant to Health & Safety Code § 11470, an investigator should contact the District Attorney's Asset Forfeiture Program as soon as possible, but always within 15 days of the seizure. The Asset Forfeiture Program is staffed with deputy district attorneys, paralegals and clerical staff to assist the investigators with properly seizing property subject to forfeiture.

All seizures not in conjunction with a federal investigation or through a federal task force must be presented to the District Attorney's Asset Forfeiture Program for consideration.

### 501.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into evidence. The property will be checked through the Automated Property System to determine if the property has been stolen.

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form No other evidence from the case should be booked on this form.

### 501.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing investigator and a supervisor as per BoI Policy section 702 - Property and Evidence.

The seizing investigator shall notify their Division Captain through the chain of command, of the booked currency and the circumstances of the seizure as soon as possible.

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### 501.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should be stored not impounded. The investigator seizing the vehicle shall notify his/her supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

A tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

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# Confidential Informants

## 502.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

## 502.2 INFORMANT FILE SYSTEM

The Special Operations Division Captain shall be responsible for maintaining confidential informant files for the Bureau of Investigation. A separate file shall be maintained on each confidential informant at the section or unit level with the lieutenant of that section or unit.

### 502.2.1 FILE SYSTEM PROCEDURE

It is the responsibility of the Special Operations Division Captain to maintain each file with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.

(e) Current employer(s), position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable."

(j) Name of investigator initiating use of the informant.

(k) Signed informant agreement.

(l) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Special Operations Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief, a Division Captain, or their designee.

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## 502.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an investigator must receive approval from their section lieutenant. The investigator shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

### 502.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile. However, the use of a juvenile informant is strongly discouraged by the Agency.

## 502.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The investigator using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

### 502.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Los Angeles County District Attorney's Office Bureau of Investigation shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Los Angeles County District Attorney's Office Bureau of Investigation shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain investigator/informant integrity, the following must be adhered to:

(a) Investigators shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as Agency investigators, employees or agents of the Los Angeles County District Attorney's Office Bureau of Investigation, and that they shall not represent themselves as such.

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(e) The relationship between investigators and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of their immediate supervisor.

(g) Investigators shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional investigator or with prior approval of their immediate supervisor. Investigators may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments investigators shall arrange for the presence of another investigator, whenever possible.

(h) In all instances when department funds are paid to informants, a signed receipt and an "Expense Claim" form shall be completed in advance, itemizing the expenses.

## 502.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

### 502.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The case investigator's immediate supervisor will discuss the above factors with their section lieutenant and division captain and arrive at a recommended level of payment that will be subject to the approval of the Chief. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15-percent.

### 502.5.2 CASH DISBURSEMENT POLICY

No informant will be told in advance or given an exact amount or percentage for services rendered.

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### 502.5.3 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgment of receipt of the letter. The completed acknowledgment form and a copy of the letter shall be retained in the confidential informant's file.

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# Brady Material Disclosure

## 503.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

### 503.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Los Angeles County District Attorney's Office Bureau of Investigation that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 503.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Los Angeles County District Attorney's Office Bureau of Investigation will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 503.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Investigators must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an investigator learns of potentially incriminating or exculpatory information any time after submission of a case, the investigator or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the investigator should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an investigator is unsure whether evidence or facts are material, the investigator should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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## 503.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the investigator's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

## 503.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

## 503.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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# Eyewitness Identification

## 504.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 504.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 504.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent (refer to Chief's Directive Memorandum 20-002 and Special Directive 19-12).

## 504.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 504.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Bureau of Investigation supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

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(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

### 504.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

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## 504.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

### 504.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

### 504.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

## 504.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect’s face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

## 504.8 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### 504.8.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

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# Chapter 6 - Equipment

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# Department Owned and Personal Property

## 600.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

## 600.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, and use of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline.

(a) Employees shall promptly report and submit a memorandum through their chain of command, regarding any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority from the Division Captain and completion of an Application for Authority to Dispose of Surplus Property.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

See attachment: APPLICATION FOR AUTHORITY TO DISPOSE OF SURPLUS PROPERTY.pdf

## 600.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on a Claim for Damages to Personal Property. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Captain, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief who will then forward the claim to the Bureau of Administrative Services.

See attachment: CLAIM FOR DAMAGES TO PERSON OR PROPERTY.pdf

600.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

## 600.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

600.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Captain.

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# Vehicle Maintenance

## 601.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Bureau vehicles so they remain in good working order and are properly maintained, refueled and present a clean professional appearance. Undercover vehicles appearance is to be consistent with the needs of the assignment as directed by the section Lieutenant. The Bureau Fleet Manager or designee is responsible for approving all vehicle maintenance, repairs, vehicle outfitting (emergency equipment lights/siren, police radio, gun boxes etc.) and any other modifications.

## 601.2 DEFECTIVE VEHICLES

When a Bureau vehicle becomes inoperative, unsafe or otherwise in need of repair that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the Bureau's vehicle maintenance vendor/repair facility for repair.

### 601.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 601.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 601.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 601.3 VEHICLE EQUIPMENT

All Bureau vehicles used for investigative purposes are equipped with standard emergency equipment. This generally includes emergency lights, siren, air-horn, four corner-strobe lights, public address (PA) system and a police radio.

### 601.3.1 BUREAU VEHICLES

Investigators shall inspect the Bureau vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares and/or reflective triangles
- Vehicle registration
- Accident report and insurance packet

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- First aid kit
- CPR mask
- protective gloves
- Fire extinguisher

Additionally a visual check of the vehicle's tires and body shall be conducted and any body damage or other defects noted and reported to the unit supervisor. Any significant damage or conditions shall be reported to the Fleet Manager. All emergency equipment, lights and radio shall be checked to insure proper operation prior to deployment.

### 601.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, investigators driving Bureau vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at an authorized WEX location. Government Fuel Credit Cards (WEX) are issued to each vehicle in the fleet. The assigned vehicle number and license number appear on each card. Fuel cards will only be used for assigned vehicles absent exigent circumstance or as directed by Fleet Services. If a WEX card is used to fuel a vehicle other than the assigned vehicle, the vehicle number of the fueled vehicle shall be written on the fuel receipt with the driver's name and badge number. Fuel receipts shall be submitted to the section supervisor and forwarded to Fleet Services.

### 601.5 WASHING OF VEHICLES

POLICY:

One car wash per month is allowed for each LADA county vehicle unless there is a specific reason (other than it being dirty) which justifies additional visits. Exemptions should be made on a case by case basis and limited to the following criteria:

1. Health and safety circumstances.

2. Emergency vehicles or apparatus that are frequently subjected to caustic and corrosive environments as well as off-highway operation.

3. In situations to avoid sea and salt/marine air corrosion.

LADA has procured County approved car wash facilities utilizing purchase orders in lieu of purchasing them with WEX Fuel Cards, in compliance with the County Fiscal Manual. Below is the process for obtaining car wash services under this policy at the various sites throughout the County.

Responsibilities:

A. Employees

1. Complete the Vendor monthly Car Wash Summary Log that will be available at the car wash service counter.

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2. Obtain a transaction receipt from the vendor.

3. Write the following on the car wash receipt:

a. Employee name

b. Employee number

c. Date

d. Vehicle number of the car washed

4. Submit car wash receipts monthly to your supervisor using the LADA Employee Car Wash Log.

B. Supervisor Responsibilities

1. Ensure employees are submitting monthly car wash log.

2. Review all car wash documentation to ensure purchases are appropriate and that receipts are documented with employee name, employee number, date and vehicle number of the car washed.

3. Approve car washes by signing LADA Employee Car Wash Log.

4. Submit all LADA Employee Car Wash Logs and receipts to LADA Fleet Services at the end of each month.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential materials should be removed and disposed of according to policy by the vehicle's operator. Investigators shall remove and secure all weapons, ammunition, magazines, safety equipment and navigation systems from Bureau vehicles prior to having them washed or serviced.

## 601.6 NON-SWORN EMPLOYEE USE

Prior to using marked and unmarked police vehicles, professional staff and investigators shall ensure all weapons are removed from vehicles before going into service. Professional staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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# Vehicle Use

## 602.1 PURPOSE & SCOPE

The Bureau utilizes county owned motor vehicles in a variety of assignments operated by sworn and non-sworn personnel. In order to maintain a system of accountability and ensure County owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term County/Bureau owned as used in this section also refers to any vehicle that is leased, rented or otherwise provided to the Bureau by an outside entity (task force) for duty use.

## 602.2 POLICY

The Bureau provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Bureau, tactical deployments and other considerations.

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

### 602.2.1 UNIT ASSIGNED VEHICLES

Investigator personnel conducting routine field duties shall log on with either the Bureau Command Center or the Los Angeles County Sheriff's Communications Center (SCC) via police radio or cellular telephone. Investigator personnel shall log-off upon completion of field duties. Employees shall be responsible for inspecting the interior and exterior of any Bureau vehicle before beginning and at the conclusion of their field duties. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor, Fleet Services and documented as appropriate.

### 602.2.2 USE OF POOL (NON-ASSIGNED) VEHICLES

Investigator personnel requiring the use of a Bureau pool vehicle shall first contact the Bureau's Vehicle Coordinator to determine availability. If available, a pool vehicle will be provided. Pool vehicles shall be used for the purpose of an investigator's normally assigned duties and only for as long as necessary. Pool vehicles shall not be used without prior approval from Fleet Services. This section does not apply to Fleet Services personnel assigned transportation duties to and from the maintenance yard, etc. Fleet Services personnel shall be responsible for maintaining all vehicle maintenance records for a minimum of two years.

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602.2.3 AUTHORIZED PASSENGERS
Personnel operating Bureau owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty, or as otherwise authorized by the unit supervisor, to ride as a passenger in their vehicle.

**602.3 ASSIGNED VEHICLE AGREEMENT**
County owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall abide by established County guidelines and standards for how the vehicle shall be used and where it shall be parked when the employee is not on duty. Assigned vehicles shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist. As an assigned piece of Bureau equipment, the employee is responsible for the vehicle's care and maintenance. The assignment of vehicles is at the discretion of the Chief. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

602.3.1 VEHICLES SUBJECT TO INSPECTION
All County owned vehicles are subject to inspection and/or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

602.3.2 UNSCHEDULED USE OF VEHICLES
Members utilizing a County owned vehicle for any purpose other than their regularly assigned duties shall first notify their immediate supervisor of the reason for use and a notation will be made on the vehicle log indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, investigators), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

602.3.3 UNMARKED VEHICLES
Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

602.3.4 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

602.3.5 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a department member should be inspected prior to placing another person in the vehicle and again after the

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person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting investigator shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

602.3.6 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

## 602.4 SECURITY

Employees may occasionally and as necessary take home Bureau owned vehicles only with prior approval from a sergeant or above, under the following conditions.

(a) Off-street parking shall be available at the employee's residence.

(b) Vehicles shall be locked and any firearms, police identification cards, badges and/or removable navigation systems secured when not attended.

(c) Handguns shall be secured by locking it in the trunk of the vehicle, locking it in a container and placing the container out of plain view, or locking the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view. *****As used in this part, "locked container" means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term "locked container" does not include the utility or glove compartment of a motor vehicle (Penal Code section 16850).

(d) All other county issued equipment shall be removed from the interior of the vehicle and locked in the trunk, in a locked container that is secured in the vehicle's interior and not in plain view, in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or properly secured in the residence when the vehicle is not attended (refer to Firearms and Qualification Policy regarding safe storage of firearms at home).

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at a Bureau facility unless prior approval is obtained from the section supervisor.

602.4.1 KEYS AND REMOTES

Keys and remotes (if equipped) to vehicles shall be maintained and controlled by the assigned section supervisor. Back-up key sets and remotes for all Bureau vehicles will be maintained by the Vehicle Coordinator in the Fleet Services section. Personnel assigned a permanent vehicle shall be issued keys/remotes for their respective vehicle. The loss of any assigned key/remote shall be promptly reported in writing through the employee's chain of command. A copy of the report shall be provided to the Bureau's Vehicle Coordinator for inclusion in the vehicle's permanent file and to facilitate replacement.

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## 602.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Los Angeles County District Attorney's Office Bureau of Investigation, an investigator should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Investigators may render public assistance (e.g., to a stranded motorist) when deemed prudent.

Investigators shall, at all times while driving a marked County-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Investigators should also ensure that department radio communication capabilities are maintained to the extent feasible.

### 602.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to any vehicle without express permission from the Division captain.

## 602.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles.

Members shall make daily inspection of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

## 602.7 COLLISIONS

Any damage to a vehicle shall be immediately reported to a sergeant or above so a supervisor can respond to the scene. The investigator shall prepare a County of Los Angeles Report of Vehicle Accident or Incident form and forward it to their immediate supervisor.

An investigator is responsible for the care and condition of any vehicle assigned to him/her. Willful negligence or abuse of County property shall be grounds for disciplinary action and, where responsibility can be determined, captains shall proceed as with any other disciplinary matter.

The intent of this section is to provide a means to differentiate between inattentive preventable collisions and collisions resulting from recklessness. Additionally, this plan will tailor the Department's response to the specific conduct of the employee.

If the collision was "preventable," it will be classified into the appropriate category as described below:

Level One

- Maneuvering speed of 10 miles per hour or less prior to any braking;
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- No visible injuries

Level Two

- Operating speed above 10 miles per hour prior to any braking and in essential compliance with the Vehicle Code;
- No disregard for safety;
- No life threatening injury; and,
- County vehicle is repairable.

Level Three

- All preventable collisions not classifiable as Level One or Level Two.

Point System

- A preventable traffic collision shall be categorized by a Level, and a prescribed number of "points" shall be assigned to the driver's history. The points accumulated for each individual preventable traffic collision shall be maintained for a revolving thirty-six month period and accrued as of the date the traffic collision(s) occurred. When thirty-six months have elapsed from the date of the specific traffic collision, the points for that specific collision will be deleted from the individual's driver's history.
  - Level One Collision= 1 Point
  - Level Two Collision= 2 Points
  - Level Three Collision= 3 Points or 4 Points (notable disregard for safety and life threatening injury)
- When three (3) points are accumulated within a twenty-four month period, the driver shall attend the mandatory Education Based Discipline Driving Class. NOTE: This training will not expunge existing points.
- When an employee is involved in three (3) preventable collisions or accumulates five (5) points in any thirty-six (36) month period, he or she will be assigned to non-driving duties for six (6) months. NOTE: If a change in the driver's unit of assignment is needed to comply with the provisions of this section, the unit of assignment will be determined by the needs within the concerned Division.
- The accumulation of seven (7) or more points, or four (4) preventable collisions within a thirty-six (36) month period, shall result in a transfer to a different unit and a non-driving position for one year. The location of this assignment shall be based on the needs of the Bureau. The employee shall be allowed to return to the former assignment after this period. NOTE: An employee with five consecutive years at the same assignment with no previous preventable collisions, who later rises to this level of points or number of collisions at that unit of assignment, shall not be subject to transfer, but shall be placed in a non-driving position for one year.

Elimination of One Point - Traffic Collision Point Reduction Class Completion of the designated voluntary, off-duty, one-day approved "Traffic Collision Point Reduction Class" may be used to exempt 1 point, or a 1 point collision. This class shall not be used for this purpose more than once

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in any three-year period. Employee time and costs for this class are the employee's responsibility. NOTE: "Traffic Collision Point Reduction Class" credit(s) may not be retroactively applied to prevent the imposition of an administrative action once that action level has been reached. Points are accrued as of the date the collision occurred and shall remain on the employee's record for a period of thirty-six (36) consecutive months unless removed by successful completion of the "Traffic Collision Point Reduction Class."

### 602.7.1 INVESTIGATOR'S RESPONSIBILITIES

An investigator shall do the following when involved in a vehicle collision in a county vehicle or while driving in the course and scope of county duties:

- Find out if anyone is injured.
- Set flares and other warning devices, if necessary and safe.
- Request the local police agency or California Highway Patrol to conduct an investigation. If an emergency equipped vehicle is involved in the collision, ensure that this information is noted on the traffic collision report.
- Report the collision to your supervisor as soon as possible. Supervisors shall promptly report to the collision scene.
- Obtain information such as names, addresses, phone numbers, license numbers, and insurance companies, from other involved parties and any witnesses.
- Identify yourself to the other involved parties by showing your license and giving your business phone number.
- Do not discuss the details of the collision with anyone, except the investigating police officer, immediate supervisor, or a representative from the Los Angeles County Worker's Compensation Third Party Administrator.
- Do not admit responsibility/liability for the collision.
- Do not argue or attempt to place blame for the collision.
- Do not attempt to negotiate or make promises to the other involved parties.
- Do not sign anything, except a police collision report or a citation, if necessary.
- If drivable, deliver the vehicle to the assigned maintenance location for a safety inspection.
- If the vehicle is inoperable or unsafe to drive, follow the directions in the Emergency Towing Procedures section of the Vehicle Operator's Handbook.
- Complete a "County of Los Angeles Report of Vehicle Accident or Incident" form and submit it to your supervisor for signature within 24 hours of the collision (except weekends, holidays, and regular days off).

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### 602.7.2 SERGEANT'S RESPONSIBILITIES

The investigator's supervisor shall promptly report to the collision scene. In all instances, the supervisor shall notify their lieutenant of the incident, as soon as possible. The supervisor shall do the following upon arriving on the scene of a collision:

- Find out if anyone is injured. If the investigator is injured in any collision, the investigator's supervisor must complete the "Employer's Report of Occupational Injury or Illness."
- Ensure a report is taken by local police agency or California Highway Patrol.
- Take photographs of the collision scene and the vehicles involved in the collision.

The supervisor shall make a telephonic report of the collision and the circumstances surrounding the same, to the Chief through their chain of command, when it appears that one or more of the following circumstances exists.

- The collision resulted in death or serious injury to one or more of the parties involved.
- The collision appears to have resulted from or involved misconduct (as opposed to mere negligence) on the part of the investigator.
- The collision involved unusual circumstances in which, in the opinion of the reviewer, the Chief should be informed of.

Upon receipt of the Vehicle Accident or Incident form, the supervisor shall sign the form and submit the original through the chain of command within 48 hours of the incident. The supervisor shall review the Traffic Collision Report (CHP-555) and write a memorandum to his/her lieutenant setting forth the following:

- A summary of the facts of the collision.
- The traffic collision investigating officer's statement.
- The investigator's statement.
- Witness(es) statement(s), if any.
- A description of the damage to all vehicles involved.
- Attach photographs, the CHP-555 and other pertinent documents to the memorandum.

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### 602.7.3 LIEUTENANT'S RESPONSIBILITIES

The investigator's lieutenant shall make a telephonic report of the collision and the circumstances surrounding same, to the Chief through their chain of command, when it appears that one or more of the following circumstances exists.

- The collision resulted in death or serious injury to one or more of the parties involved.
- The collision appears to have resulted from or involved misconduct (as opposed to mere negligence) on the part of the investigator.
- The collision involved unusual circumstances in which, in the opinion of the reviewer, the Chief should be informed of.

The lieutenant in charge of the Section in which the employee involved in the collision is assigned shall, upon receipt of the collision report, take the following steps

- Review the County of Los Angeles Report of Vehicle Accident or Incident Form for completeness and accuracy.
- Make a copy of the collision report and any attachments for their own use.
- Review the facts of the collision.
- Forward the original to the captain through the chain of command within 48 hours of the incident

At the conclusion of the review, the lieutenant shall write a memorandum to the captain setting forth the following:

- A summary of the facts of the collision.
- An opinion as to whether the collision could have been avoided or prevented by the investigator.
- If the collision could have been avoided or prevented (i.e., if the investigator was at fault), a recommendation as to what action should be taken; and
- Justification for the above described recommendation. This justification should be based on, but not limited to, the investigator's county driving record and the investigator's conduct in the case in question.

The lieutenant shall forward the memorandum, together with a copy of the collision report and all supporting documentation, to the captain, within 30 days of receiving the original report. Collisions involving investigators holding the rank of lieutenant and above shall be reviewed in the same manner described by the employee's immediate supervisor.

If applicable, a copy of the original Point Letter Notification shall be placed in the employee's personnel file after the employee has read and been given the opportunity to sign the document pursuant to Government Code Section 3305.

### 602.7.4 COLLISIONS INVOLVING PRIVATE VEHICLES

All collisions involving a permittee's vehicle, being driven during the course and scope of county business, shall be reported to the permittee's immediate supervisor. The policy outlined in section

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*602.7.1* shall be followed. The county's Third Party Liability Coverage provides liability coverage for a permittee while driving his/her personal vehicle on county business.

602.7.5 REIMBURSEMENT PROCEDURES
Investigator's Responsibilities:

- Obtain two estimates from licensed auto repair businesses of the cost of repair to the vehicle;
- Complete and sign a "District Attorney Bureau of Investigation Claim for Reimbursement for Damage Personal/Leased Vehicle", D.A.-2031-F, (F-20);
- Submit the District Attorney Claim for Damage form and two (lowest) estimates through the chain of command to the Deputy Chief within 10 business days of the date of damage to the vehicle. NOTE: In addition to the above, the investigator must follow all other vehicle collision reporting requirements (Section 602.7.1).

Deputy Chief's Responsibilities:

- Review and verify the information provided by the investigator, and consult with the fiscal officer regarding criteria for reimbursement, if necessary.

Approval of Claim:

- If the Deputy Chief finds that the investigator is entitled to reimbursement, he/she shall deliver the claim with his/her approval endorsed thereon to the Auditor-Controller and provide written notice of approval to the investigator.
- Upon receiving an approved claim made pursuant to this chapter, the Auditor-Controller shall process such claim for payment.

Denial of Claim:

- If the Deputy Chief finds that the investigator is not entitled to reimbursement, notification shall be given in the same manner to the Auditor-Controller. The denial of the claim by the Deputy Chief shall be final and not subject to review.

**602.8 TOLL ROAD USAGE**
Law enforcement vehicles are not routinely exempted from incurring toll road charges.

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To avoid unnecessary toll road charges, all members operating a County-owned vehicle upon the toll road shall adhere to the following:

(a) All members operating a County-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.

(b) All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division captain within five working days explaining the circumstances.

### 602.9 WEX FUEL CARD

The WEX fuel card is available to assist investigators in fueling assigned (temporary or permanent) County vehicles at approved fuel locations. It will be the responsibility of each WEX card holder (Holder) to adhere to the following provisions outlined in the WEX Fuel Card Policy:

- WEX cards are non-transferable to other LADA employees.
- Only regular unleaded gasoline should be purchased, unless the mid-grade or premium is required by the vehicle manufacturer.
- No goods or services shall be purchased other than fuel.
- WEX fuel cards must be kept in a secure location at all times, such as a wallet.
- Personal Identification Number (PIN) shall be stored separate from the WEX card.
- PIN must be safeguarded by not sharing it or writing it directly on the WEX Fuel Card.
- Holder must enter their PIN and the current odometer reading at the gas pump.
- Before leaving the fuel station, Holder must obtain and review the purchase receipt to verify that the receipt accurately reflects the fuel purchase.
- Any discrepancies that cannot be resolved at the fuel station, Holder must immediately document the dispute in writing and report it to their immediate supervisor.
- WEX cards shall not be used for any other vehicle other than County owned and/or leased vehicles (fuel purchases for rental vehicles shall be itemized on travel expense claim forms). Fuel purchase for personal vehicles is prohibited.
- Holder must maintain a copy of the WEX Card Holder Acknowledgement Agreement in the event the card is lost or stolen (District Attorney's Office Attachment II).
- Immediately report any lost, stolen, misplaced, or damaged WEX card to your supervisor.
- Misuse, fraudulent purchases, or failure to comply with the WEX Fuel Card Policy may result in revocation of WEX card privileges and may also result in disciplinary action.

In addition to the above provisions, all Bureau card holders shall adhere to the following policy and procedures:

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- Each Holder will maintain a monthly WEX Fuel Card Log (BOI Attachment 2) for fuel purchases of both assigned and pool vehicles.
- After receiving a fuel receipt, Holder must write their name, vehicle number, employee number and odometer reading on the front of the receipt.
- In the event an original receipt was lost or misplaced, Holder must complete a Replacement Fuel Receipt (District Attorney's Office Attachment IV). The WEX Fuel Card Holder should contact the PMSS Helpline.
- For pool vehicle usage only, Holder shall fill out the mandatory Vehicle Usage log (BOI Attachment 4) prior to checking out a pool vehicle and must complete the form prior to returning the pool vehicle. Holder shall prepare a DA Trip Card (Attachment 5) after each use of a pool vehicle. Holder will indicate on the Vehicle Usage log and the DA Trip Card if fuel was purchased while using the pool vehicle.
- At the end of each month, Holder must attach all fuel purchase receipts for both assigned and pool vehicles to the WEX Fuel Card log and submit the log to their supervisor for review and approval.
- For assigned vehicle usage only, each Holder shall report to their supervisor at the end of each month, ending mileage of the vehicle.

Bureau supervisors shall adhere to the following policy and responsibilities:

- Review and approve monthly WEX Fuel Card logs, Vehicle Usage logs, and DA Trip Cards of assigned personnel.
- Report the ending mileage of all assigned and pool vehicles and forward all DA Trip Cards to Fleet Services by the 5th of each month following the month of use.
- Forward all fuel receipts with attached WEX Fuel Card logs to Property Management and Support Services (PMSS) program manager.
- Immediately report to PMSS program manager any changes regarding Holder's status including, but not limited to, retirement, termination, long term absences, etc.
- Immediately report any unusual fuel purchase activity to the immediate supervisor.

Fleet Services shall adhere to the following procedures and responsibilities:

- Collect and maintain all monthly DA Trip Cards.
- Collect and track all monthly vehicle mileage.
- Immediately report any unusual vehicle activity to the Administrative lieutenant.

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# SPECIAL APPROPRIATIONS FUND

## 603.1 PURPOSE AND SCOPE

The Special Appropriations Fund is for the use of the District Attorney for expenses necessarily incurred for the purposes set forth in Government Code Section 29404: 1) Where no other source of funding is provided; 2) Where the public interest requires secrecy as to the specific purpose of the expenditure; 3) Where an element exists which precludes funding through normal time-consuming procedures.

Government Code Section 29404 reads as follows: "The District Attorney's Office may use the Special Appropriation Fund to pay:

(a) Expenses incurred in criminal cases arising in the County;

(b) Expenses necessarily incurred in the detection of crimes other than those declared to be misdemeanors by the vehicle code; or

(c) Expenses in civil actions, proceedings, or other matters in which the County is interested."

## 603.2 AUTHORITY TO DISBURSE FROM THE SPECIAL FUND

All disbursal of money from the Special Fund and all expenditures or commitments made in anticipation of reimbursement from the Special Fund must be approved by the Chief, Bureau of Investigation, and the Deputy Chief (or in their absence, their designees).

An investigator may, with the approval of the Chief of the Bureau of Investigation, draw an advance equivalent to an amount reasonably estimated by him/her in carrying out their assignment.

The following types of expenditures will be approved for reimbursement from the Special Fund without advance approval if the urgency of the situation demands it:

(a) Direct payment to informants.

(b) Indirect payment to informants while contacting them. (The term "informant" does not include persons who are expected, because of their occupations, to provide information. The term "informant," except under exceptional circumstances, would not include members of other law enforcement agencies or other governmental employees).

## 603.3 SPECIFIC PROHIBITIONS ON THE USE OF THE SPECIAL FUND

The Special Fund may not be used:

(a) To purchase equipment of a non-sensitive nature in contravention of established County procurement procedures, unless urgency or secrecy demands it;

(b) To purchase unique equipment unless urgency or secrecy demands it;

(c) To pay dues for membership in any professional, social, political, fraternal, or civic organization unless specifically directed by the Chief of the Bureau of Investigation for intelligence or investigative purposes;

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(d) To pay the cost of attending a meeting of any professional, political, civil, social, or fraternal organization unless specifically directed by the Chief of the Bureau of Investigation for intelligence or investigative purposes;

(e) To augment the income of any member of the District Attorney's Office, or to augment the income of any other County employee or person whose duty requires him/her to provide assistance to the office of the District Attorney; or

(f) To pay travel expenses unless secrecy or urgency is required.

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# Chapter 7 - Support Services

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# Communication Operations

## 700.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

### 700.1.1 FCC COMPLIANCE

Los Angeles County District Attorney's Office Bureau of Investigation radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

## 700.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to law enforcement or assistance that may be needed in emergencies. This department has two-way radio capability providing continuous communication between Dispatch and investigators.

### 700.2.1 COMMUNICATIONS LOG

It shall be the responsibility of Dispatch to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Desirable information would include, at a minimum, the following:

- Case number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of investigator(s) assigned as primary and backup
- Time of the investigator's arrival
- Time of investigator's return to service
- Disposition or status of reported incident

## 700.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow investigators know the status of investigators, their locations and the nature of cases.

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# Property and Evidence

## 701.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

## 701.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

## 701.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall secure such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the *Property Receipt and Inventory* form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The *Property Transfer/Release and Receipt* form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

### 701.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) The case investigator shall obtain a property number from the Evidence Facility staff. This number is generated by the Property Evidence Tracking System (PETS).

(b) The property should be delivered to the Property Room on the day it is seized, if possible.

(c) The original (top white sheet) shall be retained by the Property and Evidence Manager.

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### 701.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate item number. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The investigator seizing the narcotics and dangerous drugs shall retain such property in their possession until it is booked in to evidence.

The narcotics and dangerous drugs shall be placed in the designated evidence vault.

The Evidence Custodian shall store the seized narcotics and dangerous drugs in the designated evidence vault.

### 701.3.3 EXPLOSIVES

Investigators who encounter a suspected explosive device shall promptly notify their immediate supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

### 701.3.4 CURRENCY PROCESSING

The following procedures shall be followed when seizing currency:

(a) The finder of the currency shall immediately notify the case sergeant, who shall, as soon as possible, notify the appropriate lieutenant. If the amount of currency appears to be over $20,000, the lieutenant, or a person of higher rank, shall respond to the scene.

(b) The currency shall be photographed or video-taped in its undisturbed setting.

(c) Currency found in different areas of a location shall be counted separately. Currency found and seized from different areas shall not be co-mingled.

(d) The total amount of currency seized and the suspect's statement shall be detailed in the team leader's report.

(e) It shall be the responsibility of the investigator first observing the money to count and record the amount. When necessary and practical, a currency counter will be utilized to count the currency. If practical this shall be done in the presence of the person from whom the money was taken. In all cases the counting shall be completed in the presence of a sergeant. After the currency is recorded, the subject or the designee will have to sign the Currency Count Form acknowledging the total.

(f) These procedures apply to all search warrants and arrests where large quantities of currency and high value items (excluding personal property) are seized.

(g) If currency is not seized, count the currency in the presence of the suspect(s) or their designee and have the suspect(s) or their designee sign the Currency Count Form (#DA-1559-9-761.976R-Rev.01/15) acknowledging the release of the currency to them, or their designee.

(h) The sergeant will verify the release of the currency with his/her signature. The currency owner or their designee will sign under the total to acknowledge the amount. The

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currency owner or their designee shall also print and sign the Currency Count Form above the Sergeant's signature.

Personal Property Defined: During all arrests, personal items found on the prisoner's person, such as a watch, ring, etc., or currency in an amount consistent with normal expenditures, shall be considered personal property. A prisoner's personal property that has no evidentiary value shall be delivered and deposited into the jail where the prisoner is booked. The sergeant shall be notified and may respond.

### 701.3.5 SEIZING CURRENCY

**Investigator's Responsibilities**

When an investigator seizes currency, the investigator shall:

(a) Count the currency in the presence of the Sergeant, and, if practical, the suspect(s).

(b) When necessary and practical, a currency counter will be utilized to count the currency.

(c) Currency will be counted using the Currency Count Form (DA-1559-9-761.976R-REV.1/15).

(d) Verify the accuracy of the Currency Count Form with the signature of the currency owner or their designee.

(e) Obtain the sergeant's printed name and signature on the Currency Count form.

(f) Place the currency in a plastic evidence bag and seal it.

(g) Write the currency amount on the outside of the evidence bag and sign his/her name.

(h) Assign an item number and write the number on the evidence bag.

(i) Ensure that the currency amount, location and the finder's name are listed in the District Attorney's Property Receipt and Inventory Form #DA-1559-9-761.976R-REV.1/15.

(j) The completed Currency Count form will be maintained with the Property Receipt and Inventory Form.

(k) If practical, interview the suspect(s) regarding their knowledge of the currency, the amount, ownership, its location and the existence of other currency. The suspect(s) response shall be audio-recorded.

**Sergeant's Responsibilities**

When an investigator seizes currency, the sergeant shall:

(a) Verify the currency count with a second count.

(b) Verify the accuracy of the Currency Count Form with his/her printed name and signature.

(c) Sign the evidence bag and take control of the currency.

(d) If the currency is of no unique evidentiary value, the sergeant and another investigator will either deposit the currency into the District Attorney Trust Account at the Bank

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of America branch offices located at 888 West 7th St., Los Angeles, Ste 100, Los Angeles, CA 90017 or 550 South Hill St., Los Angeles, CA 90013 if practicable, or if after hours into a Bureau of Investigation "high value item" vault until it can be deposited in the bank.

(e) Once deposited, provide the used evidence bag, carbon copies of the original deposit slip and the bank customer receipt to the property custodian.

All currency or valuables shall remain in the control of the sergeant and an investigator at all times.

701.3.6 SEIZING BULK CURRENCY

Every effort shall be made to count all currency seized. When it is impractical to count the currency due to time constraints, lack of personnel, the unavailability of a money counter, etc., the currency may be seized as "bulk currency" pursuant to the following procedures for seizing bulk currency. In all cases, the reason(s) for seizing the money as bulk currency as opposed to counting it shall be articulated in the team leader's report.

Bulk Currency, Defined: Money which at the time of the seizure or booking is impractical to count.

**Investigator's Responsibilities**

When an investigator seizes "bulk currency" the Investigator shall:

(a) Place the currency in a plastic evidence bag and seal it in the presence of the sergeant and, if practical, the suspect(s).

(b) Write "Bulk Currency" and sign their name on the outside of the evidence bag.

(c) Obtain the sergeant's signature on the evidence bag.

(d) Assign an item number and write the number on the evidence bag. Ensure that item number and "Bulk Currency," along with the location and the finder's name are listed in the District Attorney's Property Receipt and Inventory form #DA-1557-F-76P876.

(e) If practical, interview the suspect(s) regarding their knowledge of the currency, the amount, ownership, its location and the existence of other currency. The suspect(s) response shall be audio-recorded.

(f) Articulate the reason(s) for seizing the money as bulk currency in the team leader's report.

**Sergeant's Responsibilities**

When an investigator seizes "bulk currency" the sergeant shall:

(a) Ensure that the currency is placed in a plastic evidence bag and sealed.

(b) Sign the evidence bag and take control of the currency.

(c) If the currency is of no unique evidentiary value, the sergeant and another investigator will either deposit the currency into the District Attorney Trust Account at the Bank of America branch offices located at 888 West 7th Street, Ste 100, Los Angeles, CA 90017 or 550 South Hill Street, Los Angeles, CA 90013, if practical, or if after hours into a Bureau of Investigation "high value item" vault until it can be deposited in the bank.

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(d) Once deposited, provide the used evidence bag, carbon copies of the original deposit slip and the bank customer receipt to the property custodian.

All currency or valuables shall remain in the control of the sergeant at all times.

If the currency to be seized is of unique evidentiary value, the currency shall be handled in compliance with the above procedures, transported to the District Attorney Property Room, booked in the "high value item" vault and will be subject to the same evidence processing as other evidence that was seized from the location.

If the currency is not seized, the currency shall be handled in compliance with the above procedures and then be returned to the suspect(s). The total amount of currency returned and the suspect(s) statement(s) shall be detailed in the team leader's report.

The appropriate lieutenant will be notified of the disposition of the currency.

## 701.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband

### 701.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

## 701.5 RECORDING OF PROPERTY

The Evidence and Property Custodian receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property record.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the Los Angeles County District Attorney's Office Bureau of Investigation shall be noted in the Property and Evidence Tracking System (PETS).

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## 701.6 PROPERTY CONTROL

Each time the Property and Evidence Custodian receives property or releases property to another person, he/she shall enter this information on the *Property/Evidence Item Transfer Receipt* form. Investigators desiring property for court or for review shall contact the Property and Evidence Custodian at least one day prior to the desired day to check-out or review.

### 701.6.1 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the *Property/Evidence Item Transfer Receipt* and the request for laboratory analysis.

The Property and Evidence Custodian releasing the evidence must complete the required information in PETS. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the investigator will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy shall be uploaded into the case file in the Automated Records Management System (ARMS).

### 701.6.2 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to investigators for investigative purposes, or for court, shall be noted in PETS, stating the date, time and to whom released.

The Property and Evidence Manager shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to property or released to another authorized person or entity.

The return of the property shall be recorded on the *Property/Evidence Item Transfer Receipt*, indicating date, time, and the person who returned the property.

### 701.6.3 AUTHORITY TO RELEASE PROPERTY

The Bureau of Investigation shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

### 701.6.4 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

An investigator processing the disposition of evidence resulting from the execution of a search warrant shall first obtain a court order authorizing the disposition of the evidence.

Release of property shall be made upon receipt of a *Property Transfer/Release and Receipt* form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

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The investigator shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the *Property Transfer/Release Receipt*.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The investigator should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875.

#### 701.6.5 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### 701.6.6 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Bureau of Investigation will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

### 701.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property and Evidence Manager shall request a disposition or status on all property which has been held in excess of 365 days, and for which no disposition has been received.

#### 701.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §§ 29300; 18010; 32750)

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- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Electronic storage items containing contraband (PII, child pornography, etc.)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

### 701.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

### 701.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Manager shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Fraud and Corruption Division Captain.

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Technical Services Section Lieutenant or the expiration of any sentence imposed

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related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Fraud and Corruption Division Captain.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the sergeant should be consulted and the sexual assault victim should be notified.

### 701.8 SEIZED DIGITAL EVIDENCE

Investigators handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

Seized video and audio files will not be altered in any way.

The following are required procedures for the submission of seized digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

(b) Investigators are not authorized to review or copy memory cards. The High Tech Unit investigators are the only employees authorized to copy and/or distribute digital media made from the memory cards.

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# Bureau Records Procedures

## 702.1 PURPOSE AND SCOPE

Policies and procedures regarding the access and maintenance of the Bureau of Investigation case files are contained in this chapter and they apply to all employees of this department.

### 702.1.1 NUMERICAL FILING SYSTEM

Case files are filed numerically within the Records Unit by Records personnel.

Reports are numbered commencing with the four digits of the current year followed by a letter denoting the type of case followed by sequential number beginning with 0001 starting at midnight on the first day of January of each year. As an example, case number 2012-A-0001 would be the first new case beginning January 1 of a new year for an *Assistance* case.

Letters designating the type of case are as follows:

A - Assistance

B - Background

C - Correspondence

F - Fraud

G - General

P - Pretrial

100 - Public Integrity/Justice System Integrity

101 - Internal Affairs

## 702.2 FILE ACCESS AND SECURITY

Los Angeles County District Attorney's Office Bureau of Investigation employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

### 702.2.1 REQUESTING ORIGINAL REPORTS

Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Unit shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

## 702.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by investigators of the Los Angeles County District Attorney's Office Bureau of Investigation and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be

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forwarded to the Administrative Captain. The Administrative Captain should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Captain should forward the petition to the Applette Division for review. After such review and consultation with the County Counsel the Bureau will be advised whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Captain shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Administrative Captain should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

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# Restoration of Firearm Serial Numbers

## 703.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

## 703.2 PROCEDURE

Any firearm coming into the possession of the Los Angeles County District Attorney's Office Bureau of Investigation as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 703.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 703.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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703.2.3 PROPERTY AND EVIDENCE CUSTODIAN RESPONSIBILITY
The Property and Evidence Custodian receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

703.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

703.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence Custodian will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

## 703.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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# Records Release and Security

### 704.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

### 704.2 PUBLIC REQUESTS FOR RECORDS

The Bureau of Prosecution Support Operations (BPSO) shall be responsible for the entry of initial information into the Public Records Act (PRA) Log. The Director of BPSO shall be notified immediately upon receipt of a PRA request. A copy of the PRA request shall be hand-delivered or forwarded via facsimile to the Director of BPSO at (213) 974-7712 for processing and entry into the PRA Log.

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# Criminal Offender Record Information (CORI)

## 705.1 PURPOSE & SCOPE

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

## 705.2 AUTHORITY

This policy is established pursuant to the regulations regarding the security and release of Criminal Offender Record Information obtained from the California Law Enforcement Information System (CLETS) and the National Crime Information Center (NCIC). The policy is mandated by the California Department of Justice, Federal Bureau of Investigation (FBI), and California Code of Regulations- Title 11; in addition to Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

## 705.3 DEFINITIONS

**Criminal Offender Record Information -** (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any LADA and Bureau of Investigation documents containing a list of prior arrests.

**Criminal Justice Agency -** A public agency or component thereof which performs a criminal justice activity as its principal function.

**Authorized Recipient -** Any person or agency authorized by court order, statute or case law to receive CORI.

**Right to Know -** Persons or agencies authorized by court order, statute or decisional case law to receive the information.

**Need to Know -** A necessity exists to obtain CORI in order to execute official responsibilities.

## 705.4 AUTHORIZED RECIPIENTS OF CORI

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

### 705.4.1 CRIMINAL RECORD SECURITY OFFICER

The Agency CLETS Coordinator (ACC) is the designated Criminal Record Security Officer for the Los Angeles County District Attorney's Office. The ACC is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed

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by federal and state law. The ACC will resolve specific questions that arise regarding authorized recipients of CORI.

705.4.2 RELEASE OF CORI
Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) District Attorney Investigators

(b) Bureau Records Supervisor

(c) Full-time employees of Bureau Records

(d) Deputy District Attorneys

705.4.3 RELEASE OF CORI TO FIELD PERSONNEL
Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio or cellular phone except in cases where circumstances reasonably indicate that the immediate safety of the investigator or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect, however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

## 705.5 JUVENILE RECORDS
Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 311.1 for more specific information regarding cases involving juveniles.

## 705.6 REVIEW OF CRIMINAL OFFENDER RECORD
Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

705.6.1 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended

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table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 705.7 PROTECTION OF CORI

Digital and physical forms of CORI stored in the Records section and throughout the office shall be stored in physically secured locations or controlled areas where constant personnel coverage will be provided.

Direct access to CORI stored in the Records section shall be restricted to the Records section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records section shall be restricted to those persons who possess both the right to know and the need to know the information. All personnel authorized to access CORI shall maintain a record of the information accessed in a log. The log shall contain the following information: case number, date, time, purpose for obtaining the information, person's affiliation with the case [i.e. defendant (d), witness (w), or victim (v)] and the name of the person requesting the information.

### 705.7.1 COMPUTER TERMINAL SECURITY

Computer terminals capable of providing access to automated criminal offender record information are located in the District Attorney Command Center, at various secured facilities throughout the District Attorney's Office and the Bureau of Investigation to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

### 705.7.2 DISPOSAL OF ELECTRONIC AND PHYSICAL FORMS OF CORI

Any electronic forms of CORI shall be sanitized (overwritten) at least three times prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). Written documentation of the steps taken to sanitize or destroy the electronic media shall be maintained. The event must be witnessed or carried out by authorized personnel.

Any physical forms of CORI shall be securely disposed of after it has served the purpose for which it was obtained. Physical forms of CORI shall be destroyed in designated cross cut shredders located throughout the office or by incineration. The event must be witnessed or carried out by authorized personnel.

Each employee shall be responsible for destroying the CORI documents they receive.

### 705.7.3 TRANSPORTATION OF CORI

All electronic and physical forms of CORI shall be protected when transported outside physically secured locations or controlled areas of the District Attorney's Office by authorized personnel. CORI data should be physically controlled or encrypted for protection of electronic media containing Criminal Justice Information (CJI) while in transport to prevent compromise of the data.

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705.7.4 CUSTODIAN OF CRIMINAL RECORDS

The Records Section supervisor, unless otherwise directed by the Administrative Division Captain, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Division Captain may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Division Captain will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

## 705.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

## 705.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

## 705.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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# Computers and Digital Evidence

## 706.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 706.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Investigators should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. Prior to seizing a computer and accessories an investigator should contact a member of the Bureau's Cybercrime Section or Technical Services Section for instructions and guidance.

### 706.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Investigators should contact a member of the Cybercrime Section or Technical Services Section for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers.

### 706.2.2 FORENSIC EXAMINATION OF ELECTRONIC STORAGE DEVICES

If an examination of the contents of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Technical Services Section:

(a) Copy of report(s) involving the computer, including the Property Receipt and Inventory sheet(s).

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

## 706.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

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(a) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Technical Services Section to copy the contents to an appropriate form of storage media.

(b) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(c) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(d) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

## 706.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images. When seizing the devices, also seize the charging units, if available.

## 706.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed: Files should not be opened or reviewed prior to downloading and storage. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### 706.5.1 COLLECTION OF DIGITAL EVIDENCE

Only members of the Cybercrime Section or Technical Services Section are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered. Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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# Honor Guard

## 707.1 MISSION

The mission of the Los Angeles County District Attorney's Honor Guard is first and foremost to professionally and respectfully recognize and honor our nation's flag and those who have served and sacrificed their lives on its behalf, such as law enforcement personnel, prosecutors, firefighters and military personnel. All public servants take an oath to support and defend the Constitution of the United States and the Constitution of the state of California. When one of these public servants pay the ultimate sacrifice protecting the rights and liberties of the citizens of the Los Angeles County, it is only fitting to honor them with the dignity and respect they deserve.

The Honor Guard performs a variety of functions to include funeral details, memorial services and other ceremonial events as directed by the Office of the District Attorney. They represent the Bureau of Investigation and serve as ambassadors of the District Attorney's Office at events on the local, state, and national levels. As such, its members strive to represent the highest standards of integrity, professionalism, and dedication to duty.

## 707.2 ORGANIZATION

While performing Honor Guard duties, detail members will report to the Administrative Division captain or his/her designee, who shall be of lieutenant rank or higher and titled the Honor Guard commander. The Honor Guard commander will be responsible for administrative functions such as budget, equipment control, and manpower allocation.

The Honor Guard commander shall appoint a coordinator who will be responsible for:

A. The planning and execution of all Honor Guard activities.

B. Designation of investigators who shall participate in specific Honor Guard activities.

C. Maintaining records for the Honor Guard.

D. Maintaining an acceptable level of training for all Honor Guard members and maintaining a record of attendance for determination of "active status."

E. Assist the Honor Guard commander in planning and executing Honor Guard activities as needed.

Investigators assigned to the Honor Guard detail shall:

A. Maintain the Honor Guard ceremonial dress uniform.

B. Be available to attend Honor Guard activities when assigned.

C. Assist the Honor Guard commander and/or coordinator as needed.

## 707.3 GENERAL PROVISIONS

All requests for participation of an Honor Guard detail shall be submitted through the Honor Guard commander and to the Deputy Chief or Designee. Members shall receive prior approval of their immediate unit supervisor prior to participating in any Honor Guard event.

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A. When assigned to a specific event, Honor Guard members will consider it as their duty assignment.

B. If the event is on the investigator's day off, the investigator will be compensated per the MOU.

C. Prior authorized expenses incurred in preparation and/or participation in an assigned event will be reimbursed.

### 707.4 SELECTION PROCESS

When vacancies occur, investigators desiring assignment to the Honor Guard detail shall submit a memorandum to the Chief of the Bureau of Investigation through the Administrative Division captain indicating their interest.

A. Investigators must have completed their probationary period.

B. Each investigator is expected to give a minimum three-year commitment to the Honor Guard detail.

C. Each investigator shall attend three (3) full training days prior to being assigned to the Honor Guard detail.

D. Final selection will be made by the Chief of the Bureau.

### 707.5 UNIFORM REQUIREMENTS

The Honor Guard uniform is to be worn in compliance with the specifications set forth in the Bureau's Personal Appearance Standards (Policy 915) that are maintained separately from this policy. Honor Guard uniforms shall consist of:

The "USMC Officer's" dress blue high collar jacket. The jacket will be tailored without a vest worn to eliminate the "bagging" effect under the arms. Once fitted, a vest may be worn underneath while participating in specific events. Worn on the jacket will be the Bureau flag shoulder patches. The trousers will consist of the matching black "USN enlisted personnel pants" with a 1" silver stripe. The following items are the only items approved for wear with the Honor Guard uniform.

(a) Six small silver "P" buttons for the pockets and epaulets.

(b) Four large silver "P" buttons for the face of the jacket.

(c) Black high gloss Sam Browne belt, holster and shoulder strap.

(d) Glock 9mm issued handgun (no other weapon will be authorized).

(e) Black felt "Stratton" campaign hat with leather high gloss three piece strap, silver acorns, and LADA hat piece.

(f) Two "D.A." silver collar pins.

(g) Silver cloth chevrons will be worn on the shoulder, just below the Bureau shoulder patch. Three silver stripes for sergeants and two silver stripes for senior investigators.

(h) Military ribbons and/or public safety ribbons may be worn over the left breast pocket. Two rows of four ribbons each, for a total of eight ribbons, unless the

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investigator has had prior military service, then three rows of four ribbons each, for a total of twelve ribbons may be worn over the left breast pocket. If combining military and public service ribbons, military ribbons should be placed on the top rows and over the public safety ribbons.

(i) A separate metal pin-on badge will be issued to each Honor Guard member for their ceremonial uniform use only.

(j) A black mourning band shall be issued and worn centered over the Honor Guard's pin-on badge while attending the service of any California police officer/deputy killed in the line of duty or law enforcement memorial service. While in uniform, this mourning band shall be worn from time of notification of the line of duty death to the time the officer/deputy is laid to rest. When not in uniform, refer to chief's Policy Directive 16-001.

(k) A national or local police officer memorial pin(s) may be worn during the month of May and during police memorial week to honor those who have paid the ultimate sacrifice. The pin(s) shall be worn centered directly above the name plate over the right breast pocket.

To protect the Honor Guard jacket during inclement weather, a black raincoat shall be issued to each member. The raincoat shall be the Army double-breasted black raincoat with two rows of three buttons (six buttons total) down the face of the coat. The six buttons shall be replaced with six large silver "P" buttons. The Bureau flag shoulder patches shall be affixed to each shoulder and the appropriate investigator rank (two or three chevrons) shall be affixed centered below the patches, with the top point touching the bottom of the patches. A silver sleeve braid shall be affixed two inches above each sleeve.

To protect the black felt campaign hat from inclement weather, a black vinyl cover shall be issued that fits snug over the campaign hat.

The uniform will be issued specifically for the Honor Guard and will not be worn as a regular work uniform.

All uniforms issued by the Bureau will remain the property of the County of Los Angeles. Once a member is no longer on the Honor Guard detail, his/her issued uniform items will be returned to the Honor Guard commander.

A vehicle will be assigned to the Honor Guard when an event is scheduled. This will be done 24 hours prior through the Honor Guard commander or the Administrative Division designee.

The Honor Guard coordinator will approve needed training time through the Honor Guard commander.

The Honor Guard coordinator will coordinate and notify all Honor Guard members of any and all upcoming scheduled activities.

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### 707.6 INVESTIGATOR'S RESPONSIBILITIES

Honor Guard assignments will be considered a collateral duty, but during an Honor Guard detail, it will be the investigator's primary duty assignment for that event. Promptness is of primary importance.

Honor Guard members shall obtain prior approval from their primary unit supervisor prior to their commitment to the Honor Guard detail.

Each investigator will purchase a pair of "Corfam" low quarter shoes. These will be maintained for Honor Guard details only.

Each investigator will be responsible for tailoring their uniform.

Each investigator will maintain the entire Honor Guard uniform in a "Ready for Inspection" condition.

Each investigator will be prepared to respond to an Honor Guard assignment with 24-hour notice.

The Bureau of Investigation currently has a grooming standard. All members of the Honor Guard detail are expected to adhere to stricter grooming standards to include no facial hair while wearing the ceremonial Honor Guard uniform, female Honor Guard members shall wear their hair in a tight bun, if length allows. A professional law enforcement appearance is required at all events where Honor Guard detail is the primary duty assignment.

Honor Guard members may be required to:

- Stand at attention for extended periods of time;
- Hold a salute for extended periods of time;
- Carry up to 50 pounds of weight for extended period of time;
- March for a distance of up to one mile;
- Perform precision maneuvers;
- Withstand the performance of duties in inclement weather.

Regular attendance at quarterly training is required by all members to remain on active status. If an Honor Guard member fails to attend two consecutive quarterly trainings, they will be placed on inactive status and will not be allowed to attend an Honor Guard assignment until he/she meets with the Honor Guard commander to discuss their ability to continue as a member of the detail. Excused absences will not affect an Honor Guard member's status. Excused absences may consist of prior vacation, an illness, a unit's case priority, court appearance and/or prior arrangement made with the investigator's primary unit supervisor.

If traveling outside of the County of Los Angeles for an Honor Guard detail or training, a Travel Training Request (TTR) shall be completed by the Honor Guard member prior to attending the assignment or training. All TTRs shall be submitted through the Honor Guard member's primary unit supervisor and the primary unit's chain of command as soon as possible.

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### 707.7 FUNERAL/MEMORIAL SERVICES PROTOCOL

Fallen LADA investigator or LADA personnel

Line of Duty Death/On Duty/Off Duty:

A. Establish communication with the designated Administrative Division representative and attend planning sessions leading up to the funeral.

B. The Administrative Division representative should routinely offer an Honor Guard detail to play Taps, provide rifle volleys and conduct a graveside flag folding ceremony for the family.

C. Contact the Los Angeles County Sheriff's Department (LASD) Training Bureau or appropriate law enforcement agency from which the fallen investigator worked prior and notify their Honor Guard (as appropriate) to augment LADA's Honor Guard detail if necessary and at the request of the family.

D. Contact LASD's motor detail and consult regarding traffic information and possible **low speed escort if appropriate**. All other formal funeral protocols (live bugle player, flyover, horseless rider, etc., if appropriate) are secured through LASD Emergency Operations Bureau (EOB) and the planning committee. The Administrative Division will provide pall bearers only if requested by the family. Administrative Division will be prepared to offer whatever assistance is necessary for all Honor Guard assignments for the service.

E. Members of the Honor Guard detail shall wear the approved Honor Guard uniform while representing the Department.

Line of Duty fallen officers/deputies/investigators from adjacent counties (Ventura, Riverside, San Bernardino, Orange and San Diego):

A. Contact the agency and confirm date, time and location of the service and advise that LADA will be sending an honorary Honor Guard detail.

B. The Honor Guard commander or designated Administrative Division representative will assign a two to four-person Honor Guard detail, if available, to act as ambassadors of the District Attorney's Office and to assist the primary agency of the fallen officer, as needed on the day of the funeral. This may include duties, such as ushers, casket watch and/or assisting with guests.

C. Travel to neighboring counties is accomplished by ground transportation and the Administrative Division will assist in securing the car.

D. Members of the Honor Guard detail shall wear the approved Honor Guard uniform while representing the Bureau.

Line of Duty fallen officers/deputies/investigators within Los Angeles County (Not LADA)

A. The designated Administrative Division representative will contact the agency and identify the date, time and location of the service and advise that LADA will be sending a four-member Honor Guard detail, if available, to act as ambassadors of the District Attorney's Office and to assist the primary agency of the fallen officer, as needed on the day of the funeral. This may include duties, such as ushers, casket watch and/or assisting with guests.

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B. Ground transportation for the four-person detail is secured through the Administrative Division or the Honor Guard commander.

C. Members of the Honor Guard detail shall wear the approved Honor Guard uniform while representing this Bureau.

Retired LADA investigator/personnel

A. The designated Administrative Division representative will offer an Honor Guard detail (if available) for any retired personnel's funeral wherein the family requests a departmental response. Common requests could include a flag folding and/or presentation to the family (1 to 3 investigators required), a flag folding at the grave site (3 to 7 investigators required), Taps (1 investigator) uniformed presence at the church (1 investigator).

B. Members of the Honor Guard detail shall wear the approved Honor Guard uniform while representing the Bureau.

C. The maximum travel distance any Honor Guard detail will travel for a retiree's funeral/ memorial service will be within four-hour travel time to and four-hour travel time return, allowing for two hours of time at the service (ten hours total),unless prior approval is obtained by the Chief of the Bureau of Investigation. A Travel Training Request shall be completed and submitted through the member's primary unit's chain of command for any travel outside of Los Angeles County.

D. If an Honor Guard detail is not available to travel to a retiree's funeral/service, they may, at the request of the family member, mail a folded flag to the next of kin as a token of the retiree's dedicated service to the County of Los Angeles.

## 707.8 HONOR GUARD REPRESENTATION AT THE CALIFORNIA AND/OR NATIONAL POLICE OFFICER MEMORIAL

An Honor Guard contingency (three members) will represent the Bureau at the California Police Officer Memorial in Sacramento every even year, (i.e. 2016, 2018, 2020 etc.). Additional Honor Guard members may attend the memorial with permission of the Chief of the Bureau, and if sponsored by their association/union. A Travel Training Request shall be completed and submitted through the member's primary unit's chain of command.

An Honor Guard contingency (two members) will represent the Bureau at the National Police Officer Memorial in Washington D.C. every odd year, (i.e. 2017, 2019, 2021 etc.). Additional Honor Guard members may attend the memorial with permission of the Bureau, and if sponsored by their association/union. A Travel Training Request shall be completed and submitted through the member's primary unit's chain of command.

If a Los Angeles County police officer/deputy is killed in the line of duty, the previous year and will be memorialized on both the California and National Police Officer Memorial Wall, the Bureau can send an Honor Guard contingency to represent the Bureau at both the California and National Peace Officer Memorials.

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# Chapter 8 - Custody

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# Custody Searches

## 800.1 PURPOSE AND SCOPE

The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

## 800.2 DEFINITIONS OF SEARCHES

**Pat-Down Search** - This is the normal type of search used by investigators in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the investigator, the prisoner, or other prisoners.

**Booking Search** - This search is used in the jail and again involves a thorough search of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Strip Search or Visual Body Cavity Search** - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

**Physical Body Cavity Search** - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

## 800.3 PAT DOWN SEARCHES

When any investigator has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the investigator reasonably believes that the individual may present a threat to officer safety, that investigator may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any Agency vehicle, an investigator should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an investigator of the same sex as the person being searched. Absent the availability of a same sex investigator, it is recommended that a witness investigator be present during any pat-down search of an individual of the opposite sex as the searching investigator.

## 800.4 TRAINING

The Administrative Division shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.

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- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.

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# Chapter 9 - Personnel

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# Promotional and Transfer Policy

## 900.1 PROMOTIONAL POLICY

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Los Angeles County District Attorney's Office Bureau of Investigation.

General Procedures

The following procedures apply to examinations for the positions of senior investigator and sergeant:

A list for each classification will be established from promotional bands and appointments will be made from that list. All appointments shall be made from the highest ranking group on such lists, except that when the highest ranking group does not include at least five (5) persons who are available for appointment, the appointment may be made from the next highest group or groups to include at least five (5) persons.

The following procedures apply to sergeant examination only:

(a) Prospective candidates will be furnished information about the testing process three (3) months before an examination is given. This information will include the methodologies for determining scores.

(b) Promotional examinations for each classification will be administered every two (2) years.

### 900.1.1 SENIOR INVESTIGATOR EXAMINATION

The following criteria will be used to evaluate candidates for the position of Senior Investigator. A candidate for the position of Senior Investigator must have a minimum of one (1) year's criminal investigative experience, at the class level of an Investigator, D.A. to be eligible for promotion. The exam process will consist of:

1. A qualifying written examination.
2. An oral interview weighted 100 percent (100%) of the total score.

### 900.1.2 SERGEANT EXAMINATION

A candidate must have a minimum of four (4) years criminal investigative experience at the level of a senior investigator, as evidenced by holding such a payroll title in the service of the County of Los Angeles, to file for this examination and must have a minimum of four (4) years criminal investigative experience to be promoted.

The following criteria will be used to evaluate candidates for the position of sergeant:

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1. A Rating from Records weighted twenty-five percent (25%) of the total score which will be determined from the following:

    a. A base score of seventy percent (70%).

    b. An accumulation of two-tenths (.2) of a point for each full-month of service in grade to a maximum of twenty-four (24) points.

    c. Educational credit which will be determined by the highest degree (from an accredited college/university) earned by the candidate:

        i. Six (6) points for a bachelor's degree; or

        ii. Nine (9) points for a post graduate degree.

    d. POST Certificate credit of three (3) points if the candidate holds a Supervisory Certificate.

    Note: The candidate cannot exceed a maximum score of one hundred (100) on this portion of the examination.

2. An Appraisal of Promotability (AP) weighted twenty-five percent (25%) of the total score.

3. An interview weighted twenty-five percent (25%) of the total score. The interview will be structured as follows:

    a. The interview panel will be composed of qualified evaluators from outside the office of the District Attorney.

    b. The candidates will be asked questions designed to assess their supervisory skills and leadership ability.

    The interviews will be audio recorded and maintained for the duration of the promotional list.

4. A Job Sample Test weighted twenty-five percent (25%) of the total score.

### 900.1.3 ADMINISTRATVIE DIVISION'S RESPONSIBILITY

The Administrative Division will be responsible for the following:

1. Assisting the Bureau of Administrative Services in the preparation of promotional examinations.

2. Obtaining from the Bureau of Administrative Services a list of candidates, by promotional band, upon conclusion of the examination.

3. Maintaining records related to the examination.

4. Auditing the examination process.

### 900.1.4 PROMOTIONAL PROCEDURES FOR LIEUTENANT AND CAPTAIN

General Procedures

The following procedures apply to examinations for the positions of lieutenant and captain:

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1. Prospective candidates will be furnished information about the testing process at least sixty (60) days before an examination is given. This information will include the methodologies for determining scores.

2. A list for the classification of lieutenant will be established from promotional bands and appointments will be made from that list. All appointments shall be made from the highest ranking group on such list, except that when the highest ranking group does not include at least five (5) persons who are available for appointment, the appointment may be made from the next highest group or groups to include at least five (5) persons.

3. The promotional examination for the classification of lieutenant will be administered every two (2) years.

4. The promotional examination for the classification of captain will be administered when a vacancy is anticipated in that position.

### 900.1.5 LIEUTENANT EXAMINATION

A candidate must have a minimum of one (1) year's criminal investigative experience at the level of a sergeant, as evidenced by holding such payroll title in the service of the County of Los Angeles, to file for this examination and must have one (1) year's criminal investigative experience as a sergeant to be promoted to lieutenant.

The following criteria will be used to evaluate candidates for the position of lieutenant:

1. An Appraisal of Promotability weighted seventy-five percent (75%) of the total score.

2. A Rating from Records weighted twenty-five percent (25%) of the total score which will be determined from the following:

a. A base score of seventy percent (70%).

b. An accumulation of two-tenths (.2) of a point for each full-month of service in the classification of sergeant to a maximum of twenty (20) points.

c. Educational credit which will be determined by the highest degree earned by the candidate from an accredited college or university:

i. Two (2) points for an Associate of Arts Degree;

ii. Four (4) points for a Bachelors Degree; or

iii. Five (5) points for a post graduate degree.

d. POST Certificate credit which will be determined by the highest certificate held by the candidate:

i. Two (2) points for an Advanced Certificate; or

ii. Five (5) points for a Supervisor's Certificate.

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900.1.6 CAPTAIN EXAMINATION

A candidate must have a minimum of one (1) year's criminal investigative experience in the class of a lieutenant, as evidenced by holding the payroll title in the service of the County of Los Angeles, to file for this examination and one (1) year criminal investigative experience as a lieutenant to be promoted to captain.

The following criteria will be used to evaluate candidates for the position of captain:

1. An Appraisal of Promotability weighted one hundred percent (100%) of the total score.

2. Appointment to the rank of captain will be on the basis of professional knowledge and skills, productivity, adaptability, dependability, interpersonal skills, and supervisory and management skills.

## 900.2 TRANSFER POLICY

The Bureau of Investigation is composed of a variety of assignments and investigative personnel are eligible to work any assignment consistent with their rank. Investigators can declare their interest in an assignment biannually, **only in January and July**, by logging on to the Assignment Preference database and updating their form. Each investigator's Assignment Preference information will be posted on the Bureau's LADAnet page on February 15th and August 15th of each year. Investigators will have the option to not have their Assignment Preference information posted on LADAnet, by selecting the "opt-out" feature in the Assignment Preference database.

Newly created positions will be announced by a memorandum from the Chief of the Bureau of Investigation and posted on the Bureau of Investigation LADAnet page. There will be a 10-day filing period for investigative staff to submit an interest memorandum for the new position to the Administrative lieutenant. The Administrative lieutenant will time/date stamp the memo. The original memo will be kept and placed in a file in the Administrative Division and a copy of the memo will be given to the Division captain of the newly created position. It is the responsibility of the Bureau’s command staff to fill vacant positions and initiate transfers.

The following guidelines will aid in staffing the units in the Bureau:

(a) Review of the Assignment Preference database.

(b) Consideration of the time and grade of the investigative staff.

(c) Input from the involved lieutenant(s).

(d) At the discretion of the Chief of the Bureau of Investigation.

900.2.1 ASSIGNMENT OF INVESTIGATORS

The investigator's assignment preference and the following criteria will be used when making assignments of entry-level investigators:

1. An entry-level investigator will normally first be assigned to the Criminal Division.

2. An entry-level investigator may be eligible for rotation to another unit designated as a training assignment for entry level Investigators.

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### 900.2.2 ASSIGNMENT OF SENIOR INVESTIGATORS

The senior investigator's assignment preference and the following criteria will be used when making future assignments of senior investigators:

1. When possible, a senior investigator will be assigned to a position which he/she has designated in the Assignment Preference database.

2. Although a senior investigator may be reassigned at any time, a senior investigator will generally be considered eligible for transfer after the senior investigator has served two (2) years in an assignment.

3. Absent extraordinary circumstances, which would be defined by the Chief, such as subject material expertise or case driven requirements, a senior investigator will generally be transferred prior to the senior investigator's fourth (4th) anniversary in an assignment.

### 900.2.3 ASSIGNMENT OF SERGEANTS

The sergeant's assignment preference and the following criteria will be used when making future assignments of sergeants:

1. When possible, a sergeant will be assigned to a position which he/she has designated in the Assignment Preference database, if that assignment is consistent with the needs of the Bureau.

2. Although a sergeant may be reassigned at any time, depending on the needs of the Bureau, a sergeant will generally be considered eligible for transfer after the sergeant has served two (2) years in an assignment.

3. Absent extraordinary circumstances, which would be defined by the Chief, such as subject material expertise or case driven requirements, a sergeant will generally be transferred prior to the sergeant's fourth (4th) anniversary in an assignment.

### 900.2.4 ASSIGNMENT OF LIEUTENANTS

The lieutenant's assignment preference and the following criteria will be used when making assignments of lieutenants:

1. When possible, a lieutenant will be assigned to a position which he/she has designated in the Assignment Preference database, if that assignment is consistent with the needs of the Bureau.

2. Although a lieutenant may be reassigned at any time, depending on the needs of the Bureau, a lieutenant will generally be considered eligible for transfer after the lieutenant has served two (2) years in an assignment.

3. Absent extraordinary circumstances, which would be defined by the Chief, such as subject material expertise or case driven requirements, a lieutenant will generally be transferred prior to the lieutenant's fourth (4th) anniversary in an assignment.

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900.2.5 EXCEPTIONS

If the Chief of the Bureau of Investigation determines an investigator's continued participation in an investigation is critical to secure a prosecution, the investigator's period of assignment to that unit may be extended.

A senior investigator or sergeant who is assigned to a positon which that senior investigator or sergeant did not request, he/she will be eligible to request a change of assignment after working in that position for one (1) year.

In the event of a “hardship,” investigative staff will be eligible to request a transfer, regardless of the length of time in that assignment. For example – an assignment in which the work requirements prevent an investigator from fulfilling personal obligations, such as caring for a family member with a serious illness.

## 900.3 ADMINISTRATIVE DIVISION'S RESPONSIBILITIES

The Administrative Division will be responsible for the following:

1. Advertising all job openings and promotional opportunities in the Bureau of Investigation for professional staff and investigators at each rank.

2. Maintaining the database of Assignment Preference requests.

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# Grievance Procedure

## 901.1 PURPOSE AND SCOPE

The purpose of the Grievance Procedure is to provide a just and equitable method for the resolution of grievances. For detailed information regarding the grievance procedure, refer to the current Memorandum of Understanding.

### 901.1.1 GRIEVANCE DEFINED

a. "Grievance means a formal complaint by an employee concerning the interpretation or application of the provisions of this Memorandum of Understanding or rules and regulations governing personnel practices or working conditions, which complaint has not been resolved satisfactorily in an informal manner between an employee and his/her immediate supervisor.

b. "Business Days" means calendar days exclusive of Saturdays, Sundays and legal holidays.

c. "Chief" means the Chief of the District Attorney's Bureau of Investigation in the District Attorney's Office or the Assistant Chief of the Bureau of Investigation when acting in the absence of the Chief.

d. "Middle Management" means a Lieutenant, Captain, or the Assistant Chief in the District Attorney's Office.

e. "Immediate Supervisor" means Sergeant, Lieutenant or Captain in the District Attorney's Office.

### 901.1.2 RESPONSIBILITIES

a. An employee is encouraged to discuss his/her complaint with his/her immediate supervisor as part of an ongoing process of training and communication between the employee and his/her immediate supervisor. The immediate supervisor will, upon request of an employee, discuss the employee's complaint with him/her at a mutually satisfactory time. No employee shall suffer any penalty for presenting or filing a grievance.

b. Departmental management has the responsibility to:

1. Inform an employee of any limitation of the department's authority to fully resolve the grievance; and

2. Supply the employee with the necessary information to process his/her grievance to the proper agency or authority.

### 901.1.3 WAIVERS AND TIME LIMITS

a. Failure by management to reply to the employee's grievance within the time limits specified automatically grants to the employee the right to process the grievance to the next level.

b. Any level of review, or any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing.

c. If an employee fails to appeal from one level to the next level within the time limits established in the grievance procedure, the grievance shall be considered settled on the basis of the last decision and the grievance shall not be subject to further appeal or reconsideration.

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d. By mutual agreement, the grievance may revert to a prior level for reconsideration.

901.1.4 EMPLOYEE RIGHTS AND RESTRICTIONS

a. An employee may present his/her grievance on County time, but the use of County time for this purpose shall not be excessive nor shall this privilege be abused in any manner. The department shall determine what constitutes abuse.

b. Employees who are requested by either the grievant or by management to appear as witnesses at any hearing and at any step shall be allowed to do so on County time.

c. The employee has the right to the assistance of a representative of his/her choice in the preparation of the written grievance and to represent him/her in formal grievance meetings. The representative selected by the employee must be an authorized representative of a recognized employee organization or a fellow employee of the District Attorney's Bureau of Investigation who is not a party to the same grievance. Only a person selected by the employee and made known to management prior to a scheduled formal grievance meeting shall have the right to represent or advocate as an employee's representative.

d. If the grievance involves disciplinary action resulting in suspension, the employee may waive the first step in the formal grievance procedure and submit the grievance directly at the second step within ten (10) days from the notice of intent to discipline.

e. ALADS and PPOA, agree to encourage an employee who files a formal written grievance, to state clearly and concisely the specific action(s) being grieved, the article(s) violated, and the specific remedy requested.

## 901.2 PROCEDURE

Informal Procedure

Most problems or complaints can be settled if the employee will promptly, informally and amicably discuss them with his/her supervisor. This desired initial discussion should ideally precede any use of the formal grievance procedure.

Formal Procedure Step

1. (Immediate Supervisor) If the problem has not been resolved within ten (10) business days of the date of the initial discussion with the immediate supervisor (or ten (10) business days from the occurrence or knowledge of the occurrence of a grievable matter if no informal discussion has occurred), the employee may file a formal written grievance with his/her immediate supervisor. The Grievance Form shall be prepared in triplicate by the employee stating the specific nature of the grievance and the remedy requested. The employee shall submit the original and one copy of the Grievance Form to his/her immediate supervisor and retain a copy. The Grievance Form may be secured from the departmental Personnel Section.

Upon receipt of the formal grievance the immediate supervisor shall contact the grievant or the grievant's representative (if specified) and arrange a hearing date and location. Within five (5) business days from the completion of the hearing the Grievance Response Form shall be

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completed by the immediate supervisor. The original of both the Grievance and Grievance Response forms shall be returned to the grievant and a copy of the Grievance Response Form shall be retained by the immediate supervisor. If the grievance is within the scope of the immediate supervisor's authority and responsibility and it is sustained, it shall be the immediate supervisor's responsibility to make the necessary arrangements to implement the decision.

Step 2. (Middle Management Representative or Review Board) In the event the grievant is not satisfied with the Step 1 response and elects to seek review at the Step 2 level, the grievant shall, within five (5) business days from the receipt of the Step 1 response, forward the originals and one copy each of the Grievance and Grievance Response forms to the Chief. At the grievant's option the Chief shall either designate a middle management representative to review the grievance or shall initiate the formation of a Review Board to review the grievance. If a Review Board is formed it shall be comprised of two middle management representatives designated by the Chief and a maximum of two peace officers in the District Attorney's Department designated by the grievant. The grievant's representatives on the Review Board must be of equal or superior rank to the grievant and must not be parties to the grievance.

Upon receipt of the Step 2 request for review from the Chief, the middle management representative or a member of the Review Board shall contact the grievant or the grievant's representative (if specified), and arrange a hearing date and location. Within five (5) business days from the completion of the hearing, the Grievance Response Form shall be completed by the ranking middle management representative in the Step 2 process. A majority opinion shall constitute a final decision. A grievance shall not be sustained on a tie vote or deadlock, but if such is the case, then the opposing sides shall attach their written opinions to the Grievance Response Form. The originals of the Grievance and Grievance Response forms shall be returned to the grievant and a copy of each shall be forwarded to the Chief. If the grievance is sustained by the Step 2 process, it shall be management's responsibility to make the necessary arrangements to implement the decision.

Step 3. (The Chief) If the grievance is denied or results in a deadlock at the Step 2 level, and the grievant elects to seek review at the Step 3 level, he/she shall, within five (5) business days from the receipt of the Step 2 response, send a written request to the Chief requesting a review of the grievance. The originals of the Grievance and Grievance Response forms shall accompany the written request.

Upon receipt of the Step 3 request for review, the Chief shall contact the grievant or the grievant's representative (if specified) and arrange a hearing date and location. Within ten (10) business days from the completion of the hearing the Chief shall complete the Grievance Response Form. If the grievance is sustained, the Chief shall make the necessary arrangements to implement the decision. If the grievance is denied, the reason(s) will be set forth in the Grievance Response Form.

The originals of the Grievance and Grievance Response forms shall be forwarded to the departmental Personnel Officer who shall be responsible for establishing and maintaining a separate, permanent file for grievances processed through all step levels. A copy of each form shall be returned to the grievant and a copy of each shall be retained by the Chief. Grievances

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processed through all step levels shall be retained for a period of three (3) years while an employee is in active County service, and shall be retained for a period of one year following termination of an employee's County service.

901.2.1 SPECIAL HANDLING OF SENSITIVE COMPLAINTS
If a grievant feels that because of the sensitive nature of his/her complaint that it should be reviewed initially by the Chief, he/she may direct his/her grievance to the Chief with a written memorandum specifying the need for departure from the conventional processing. The Chief shall determine whether the grievance should be handled personally or processed by the immediate supervisor. If it is determined that the grievance should be referred to the immediate supervisor, the Grievance Form shall be returned to the grievant with a written memorandum so specifying.

**901.3 EMPLOYEE REPRESENTATION**
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the authorized /recognized employee bargaining group.

901.3.1 ARBITRATION
1. Within ten (10) business days from the receipt of the written decision of the department head or his/her designated representative, an employee, only if he/she is represented by ALADS/PPOA, may request that the grievance be submitted to arbitration as provided hereinafter.

2. Only those grievances which directly concern or involve the interpretation or application of the specific terms and provisions of this Memorandum of Understanding and which are brought by an employee who was represented by ALADS/PPOA in all steps of the grievance procedure may be submitted to arbitration hereunder. In no event shall such arbitration extend to:

a. The interpretation, application, merits or legality of any State or local law or ordinance, including specifically all ordinances adopted by County's Board of Supervisors unless the arbitrator, in his/her discretion, finds it necessary to interpret or apply such State or local law in order to resolve the grievance which has been submitted to the arbitrator;

b. The interpretation, application, merits or legality of any or all of the County of Los Angeles Civil Service Rules, nor matters under the jurisdiction of the Civil Service Commission for which said Commission has established procedures or processes by which employees or employee organizations may appeal to or request review by said Civil Service Commission, including but not limited to discharges, reductions and discrimination; nor

c. The interpretation, application, merits or legality of the rules or regulations of the department head, the Chief Administrative Office or any other County department, agency or commission unless the arbitrator, in his/her discretion, finds it necessary to interpret or apply such rules or regulations in order to resolve the grievance which has been submitted to the arbitrator;

d. Any subject matter relating to County-sponsored employee group insurance plans that could impose on the carrier, the provider or the County an obligation which would be in conflict with the

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applicable law and/or the contracts or service agreements between the County and the carrier or provider;

e. Grievances on competent or better performance evaluations which do not meet the guidelines set forth at the Employee Relations Commission meeting of December 19, 1986.

3. In the event ALADS/PPOA desires to request a grievance which meets the requirements of Paragraph 2 hereof be submitted to arbitration, ALADS/PPOA shall within the time requirements set forth above send a written request to County's Employee Relations Commission which request shall:

a. Set forth the specific issue or issues still unresolved through the grievance procedure and which are to be submitted to arbitration;

b. The parties shall select an arbitrator by mutual agreement and recommend to the Employee Relations Commission that the individual be appointed for the purpose of conducting the arbitration proceeding. In the event the parties cannot agree on a choice within thirty (30) working days from date of receipt of the request of arbitration, the parties shall request that the Employee Relations Commission provide them with a panel of five arbitrators. Upon receipt of the Employee Relations Commission panel, the parties shall alternately strike one name each from the panel and the last name left will be appointed as the arbitrator in the case by the Employee Relations Commission;

c. Arbitration procedures conducted under the authority of this Section shall be held at an appropriate location in the County Hall of Administration except when another location is mutually agreed upon by the parties to the case.

4. Arbitration of grievances hereunder will be limited to the formal grievance as originally filed by the employee to the extent that said grievance has not been satisfactorily resolved. Arbitration hereunder shall be conducted in accordance with applicable rules and procedures adopted or specified by County's Employee Relations Commission unless the parties hereto mutually agree to other rules or procedures for the conduct of such arbitration. The fees and expenses of the arbitrator shall be shared equally by the parties involved, it being understood and agreed that all other expenses including but not limited to fees for witnesses, transcripts and similar costs incurred by the parties during such arbitration will be the responsibility of the individual party involved.

5. Prior to a hearing by an arbitrator, a representative of the County and ALADS/ PPOA shall meet and prepare a submission statement setting forth the issue(s) to be determined which shall be submitted to the arbitrator. In the event the County and ALADS/PPOA cannot jointly agree on a submission statement, then, at the hearing, each party shall present to the arbitrator its own submission statement in which case the arbitrator shall determine the issue(s) to be resolved.

6. The decision of an arbitrator resulting from any arbitration of grievances hereunder shall not add to, subtract from or otherwise modify the terms and conditions of this Memorandum of Understanding.

7. The decision of the arbitrator shall be binding upon ALADS/PPOA. To the extent the decision and award of the arbitrator does not require legislative action by the Board of Supervisors, such

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decision and award shall be binding upon the County. If within sixty (60) days of receiving notice of a decision and award requiring legislative action by the Board of Supervisors, such legislative action is not taken, the arbitrator's decision and award shall have no force or effect whatsoever. ALADS/PPOA may then resort to a court of competent jurisdiction to pursue whatever other legal remedies are available to it under the provisions of this Memorandum of Understanding.

8. A written decision of an arbitrator resulting from the arbitration of a grievance under the following Articles shall be entirely advisory in nature and shall not be binding upon any of the parties:

Purpose

Recognition

Non-Discrimination

Implementation

Term

Renegotiation

Payroll Deductions/Dues

Authorized Agents

Provisions of Law

### 901.4 GRIEVANCE FORMS

An investigator may obtain a Grievance Form, from his/her immediate supervisor. The Grievance Form shall be prepared in triplicate by the investigator stating the specific nature of the grievance and the remedy requested.

The investigator shall submit the original and one copy of the Grievance Form to his/her immediate supervisor and retain a copy for himself/herself.

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# Reporting of Employee Convictions

## 902.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administrative Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administrative Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

## 902.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 902.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by employees of this department may be inherently in conflict with law enforcement duties and the public trust.

## 902.4 REPORTING PROCEDURE

All employees of this department and all retired investigators with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief in the case of retired

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investigators) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All employees and all retired investigators with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief in the case of retired investigators) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee on his/her own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### 902.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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# Alcohol and Drug Use

## 903.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

## 903.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

## 903.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

### 903.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

## 903.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

## 903.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## 903.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

## 903.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

### 903.7.1 URINE TESTING - REASONABLE SUSPICION

On February 25, 2014, the County of Los Angeles and the Coalition of County Unions entered into a memorandum of understanding (MOU) regarding the scope, authority and procedures to follow when requesting an employee to submit to a drug/alcohol screening test. This information is contained in the MOU under Article 32.

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### 903.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### 903.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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# Sick Leave Policy

## 904.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) , the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

## 904.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Employees may use sick leave when absent because of disability resulting from illness, injury or pregnancy, and with prior approval from their supervisor, for non-emergency medical or dental care. Accured vacation, hoilday, or compensatory overtime may be used in lieu of sick leave. (See County Code Chapter 6.20 and Fringe Benefits MOU).

### 904.2.1 NOTIFICATION

Employees are encouraged to notify their immediate supervisor first, if not available notify the next level in the chain of command or an appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

## 904.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work.

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Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

### 904.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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# Communicable Diseases

## 905.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

## 905.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

(a) An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

(b) The exposure occurred without the benefit of applicable exposure controls required by this policy.

(c) It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

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### 905.2.1 EXPOSURE CONTROL OFFICER

The Chief will assign a person as the Department's Exposure Control Officer. The ECO shall be responsible for the following:

(a) The overall management of the bloodborne pathogen Exposure Control Plan (ECP).

(b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.

(c) Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.

(d) Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.

(e) Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.

(f) Maintaining an up-to-date list of Agency personnel requiring training. Developing and implementing a training program, maintaining class rosters and quizzes, and periodically reviewing and updating the training program.

(g) Reviewing and updating the ECP annually (on or before January 1 of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

### 905.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

### 905.2.3 RESPIRATORY PROTECTION PROGRAM

**PURPOSE**

The purpose of this policy is to establish a Respiratory Protection Program (RPP) for all Los Angeles County District Attorney (LADA) personnel who wear respiratory protection equipment to ensure their safety when entering high-risk areas or performing high-risk tasks where occupational exposure may occur.

**I. POLICY**

1. All departmental personnel entering high-risk areas which require respiratory protection equipment shall be fitted and trained before being provided the appropriate equipment. All employees shall use the protective equipment when entering identified high risk areas or performing high-risk tasks ensuring a safe and healthy work environment, in accordance with Title 8, California Code of Regulations, Sections 5144.

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High-risk areas and tasks include:

a. Coroner's Service area including Autopsy Room

2. Based on this high-risk area and the Coroner's Respiratory Program, the Department has determined that the minimum protection required by our office is an N-100 particulate respirator. This respirator provides protection from any airborne infectious disease including, but not limited to tuberculosis (TB), the primary airborne transmitted disease that may concern LADA personnel when entering the Coroner's autopsy room. The following equipment meets a higher standard and exceeds the minimum protection required for the above-identified high-risk areas and tasks performed by designated LADA personnel:

a. 3M P-100 Particulate Respirator (used with "hepa" filter)

b. 3M Half Face Respirator with P-100 "hepa" cartridge

## II. RESPONSIBILITIES

1. The Fraud and Corruption Division Captain shall:

(a) Create and modify policies required to maintain an effective Respiratory Protection Program (RPP)

(b) Delegate authority, responsibility and accountability to appropriate individuals to effectively implement and maintain the RPP.

(c) Authorize allocation of physical and financial resources necessary to maintain an effective RPP.

(d) Provide support, leadership, and direction for the RPP.

2. The Justice System Integrity Section Lieutenant shall:

(a) Ensure employees comply with the policies and procedures established in the RPP.

(b) Ensure that initial and annual training is provided to all employees under their supervision who utilize respiratory protection equipment and that the training is consistent with the requirements of this RPP.

(c) Ensure that all documentation is completed and maintained at the work location and provided to the Los Angeles County District Attorney Safety Officer (Refer to Section V for Records and Retention procedures.)

3. The Justice System Integrity Unit Sergeant shall:

(a) Identify high-risk areas and tasks for which respiratory protection equipment is required.

(b) Provide designated employees with the appropriate respirator for the job, and replace worn or deteriorated respirators and associated parts.

(c) Ensure that employees pass medical screening and fit test requirements prior to being issued or using a respirator (Refer to Section III for procedural information).

(d) Promote safe work practices.

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(e) Monitor to ensure that employees are inspecting, cleaning and storing equipment on a schedule in compliance with the manufacturer's guidelines (Refer to Section VII for Cleaning Storage and Inspection procedures).

(f) Maintain inventory of all respiratory protection equipment at the work location.

(g) Maintain annual training and fit-test documentation including sign-in sheets and medical clearance forms at the work location (Refer to Section IV for training procedures).

(h) Ensure that training includes demonstration knowledge of:

i. Why the respirator is needed

ii. Proper fit, usage and maintenance

iii. How the respirator can compromise the protective effect of the respirator

iv. What the limitations and capabilities of the respirator are

v. How to use the respirator effectively in emergency situations

vi. How to handle respirator malfunctions

vii. How to inspect, put on and remove, use, and check the seals of the respirator

viii. What the procedures are for maintenance and storage of the respirator

ix. How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators

4. Employee shall:

(a) Follow all guidelines and procedures as outlined in this RPP.

(b) Complete all medical and physical requirements as required under this RPP.

(c) Wear appropriate respiratory protection equipment as required.

(d) Maintain all equipment in good, clean condition and report any defective equipment to their supervisor.

(e) Report unsafe or hazardous conditions to their supervisor.

(f) Attend an annual training regarding respiratory protection and demonstrate knowledge and skills specific to the hazards and uses of respirators.

(g) Follow all respiratory protection equipment manufacturer guidelines.

(h) Ensure that equipment is inspected, cleaned and stored in compliance with manufacturer guidelines (Refer to Section VII for Cleaning Storage and Inspection procedures)

5. The Los Angeles County Distirct Attorney (LADA) Safety Officer shall:

(a) Review and consult with the Bureau of Investigation on the RPP to provide guidance on complying with the requirements of Title 8, California Code of Regulations, Section 5144.

(b) Maintain copies of documentation as described in this RPP.

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## III. PROCEDURES

(a) Personnel who are required to work in high-risk areas or perform high-risk tasks must:

  (a) Get medical clearance from Occupational Health before they are permitted to wear a respirator for work purposes.

  (b) Be fit-tested and trained by certified Bureau of Investigation personnel and/or a certified contractor qualified to conduct training and fit testing to ensure proper equipment fit before they are permitted to wear a respirator for work purposes.

(b) Employees to be fit-tested must complete Attachment A, OSHA Respirator Medical Evaluation Questionnaire for submission to Occupational Health. Occupational Health will review the questionnaire before the scheduled time of the employee's fit test.

(c) Once a medical evaluation is completed by Occupational Health, they will provide the employee with a medical clearance form. A copy must be maintained by the Department at the employee's work location, and a copy must be forwarded to the LADA Safety Officer.

(d) Employees are required to be fit-tested pursuant to respirator fit test requirements as follows:

  (a) Prior to initial use of the respirator; and then at least once annually, thereafter

  (b) When there are significant facial changes, including scarring, facial hair, dental work or surgery that prevent the respirator face-piece from fitting properly

  (c) Any condition that may interfere with the face-piece sealing

  (d) Any change in physical condition which may affect pulmonary capabilities, and

  (e) Upon request of the employee of Bureau of Investigation Chain of Command.

(e) Any employee who refuses to be fit-tested must complete Attachment B, Refusal of respirator Fit Test and can no longer perform work in the high-risk areas or perform high-risk tasks as designated by this RPP.

## IV. TRAINING

(a) Employees who will be utilizing respiratory protection equipment must attend training as follows:

  (a) At the time they are assigned in a position which requires them to work in high-risk areas or perform high-risk tasks where occupational exposure may occur

  (b) At least annually thereafter, not to exceed 12 months from the previous training or whenever there is a change in requires respirator equipment.

  (c) Training will be conducted in a train the trainer format once the initial personnel have been trained by an outside vendor.

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(b) Training shall include:

(a) Why the respirator is needed

(b) Proper fit, usage and maintenance

(c) How the respirator can compromise the protective effect of the respirator

(d) What the limitations and capabilities of the respirator are

(e) How to use the respirator effectively in emergency situations

(f) How to handle respirator malfunctions

(g) How to inspect, put on and remove, use, and check the seals of the respirator

(h) What the procedures are for maintenance and storage of the respirator

(i) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators

## V. RECORDS AND RETENTION

(a) Documentation shall be maintained as follows:

(a) Any medical records, such as but not limited to, Attachment A, OSHA Respirator Medical Evaluation Questionnaire, will be maintained confidentially by Occupational Health and will not be disclosed or reported without the employee's express written consent.

(b) Occupational Health will maintain medical records for the duration of employment plus 30 years in accordance with Title 8, California Code of Regulations, Section3204.

(c) The Bureau of Investigation will ensure to maintain medical clearance forms for each employee at their work location. A copy should be forwarded to the LADA Safety Officer.

(d) The Bureau of Investigation will ensure to maintain initial and annual training documentation, including, but not limited to, sign-in sheets.

(e) The Bureau of Investigation shall maintain documentation of equipment inspections/maintenance and change schedule as described in section VI of this policy.

(b) The RPP shall be reviewed and evaluated at least every 12 months by the Bureau of Investigation in consultation with the LADA Safety Officer.

## VI. END OF SERVICE LIFE INDICATOR (ESLI)

(a) The cartridge/filter shall be changed if an employee can detect contaminant inside the respirator by smell, taste, and/or irritation, or if it becomes difficult to breathe comfortably (each individual may vary).

(b) The respirator shall be replaced before the ESLIcertified by NIOSH for the contaminant or based on a monitored change schedule if there is no ESLI.

(c) Change cartridge/filter whenever physical damage is observed.

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**VII. RESPIRATOR CLEANING STORAGE AND INSPECTION**

1. Cleaning

Respirators devices **will not** be issued to more than one employee. Employees should follow the manufacturer's instructions for cleaning their respirators to ensure optimal performance.

2. Storage

All respirators shall be stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moistureand chemicals in compliance with the manufacturer's instructions.

3. Inspection

All respirators shall be inspected on a monthly basis to ensure that they are cleanand appropriately charged, and the seal is tight. All employees shall ensure that they follow the manufacturer's instructions on maintenance to ensure that respirators are functioning properly.

905.2.4 IMMUNIZATIONS
All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

905.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

**905.3 DISPOSAL AND DECONTAMINATION**
The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

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### 905.3.1 USE OF WASTE CONTAINERS

Investigators shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the unit of assignment immediately upon arrival.

The biohazard waste container located at the unit of assignment shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

### 905.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the unit of assignment shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

### 905.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

### 905.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or Agency vehicle. The waste material shall then be disposed

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of in a biohazard waste container at the hospital or Agency station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

905.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or Agency vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

905.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or Agency station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA) .

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

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905.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the Exposure Control Officer (ECO). The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing, and inform them of the potential contamination. This dry cleaning will be done at the Department's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

905.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

905.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the nearest unit of assignment that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

**905.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

905.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

905.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and employee number of the employee(s) exposed.

(b) Date and time of incident.

(c) Location of incident.

(d) What potentially infectious materials were involved.

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(e) Source of material or person.

(f) Current location of material or person.

(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up, notifications).

(k) Employee emergency contact information.

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

### 905.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the ECO and/or the County's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 905.4.4 COUNSELING

The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

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905.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential. The ECO shall ensure that all records and reports are kept in the strictest confidence.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

The Risk Manager shall be responsible for maintaining the name and employee number of the involved employee, and copies of any information provided to the consulting health care professional.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

## 905.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are five methods to obtain such testing. It is the responsibility of the ECO to ensure that the proper testing and reporting occur. These methods are:

(a) Obtaining voluntary consent from any person who may be the source of an exposure to cover testing for any communicable disease.

(b) Filing a report with the county health officer when an employee is exposed to the bodily fluids of an arrestee. The county health officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing an adult or juvenile when an employee of the Los Angeles County District Attorney's Office Bureau of Investigation qualifies as a crime victim (Penal Code § 1524.1).

905.5.1 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or

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his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with County Counsel and consider requesting that a court order be sought for appropriate testing.

905.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

(a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.

(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

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# Smoking and Tobacco Use

## 906.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Los Angeles County District Attorney's Office Bureau of Investigation facilities or vehicles.

## 906.2 POLICY

The Los Angeles County District Attorney's Office Bureau of Investigation recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

## 906.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any County facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

## 906.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

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# Personnel Complaint Procedure

## 907.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

### 907.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered complaints.

This policy shall not apply to any interrogation, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Govt. Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a Division Captain of the accused employee or referred to the Internal Affairs Unit depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Division Captain or the Internal Affairs Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

## 907.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

### 907.2.1 SOURCE OF COMPLAINTS

(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

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(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

907.2.2 ACCEPTANCE OF COMPLAINTS

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action

(b) When an uninvolved supervisor or the Division Captain determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint

907.2.3 COMPLAINT DOCUMENTATION

Formal complaints of alleged misconduct shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

## 907.3 SUPERVISOR RESPONSIBILITY

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal verbal admonishment, or other routine or unplanned contact (Cal. Govt. Code 3303(i)).

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In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Division Capatin, Assistant Chief and Chief are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Captain of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Chief for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.

3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Captain, Assistant Chief or the Chief who will initiate appropriate action.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Employee Relations Division and the Chief for direction regarding their role in investigation and/or addressing the complaint.

## 907.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a Division Captain may assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

### 907.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline

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(b) An employee placed on administrative leave may be required by a Division Capatin to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor

(d) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Captain and the Chief

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

### 907.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to the investigator conducting the criminal charges alleged in the case.

No information or evidence administratively coerced from an employee may be provided to the investigator conducting the criminal charges alleged in the case.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

### 907.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Unit, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

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(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).

(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)).

(d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).

(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to *Lybarger*. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

### 907.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

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Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

## 907.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Founded** - When the investigation establishes that the allegation is true, and/or when the action of the department member are prohibited by law or department policy.

**Unfounded** - When the investigation establishes that the allegation is not true; or when the actions of the department member that constituted the basis of the allegation are not violations of law or department policy, and are otherwise not censurable.

**Unresolved/Unsubstantiated** - When the investigation fails to resolve conflicts between the complainant's allegation and the subject's version of the incident in question; when there is not a preponderance of evidence to support the complainant's version of the incident.

**Exonerated**- When the investigation unequivocally reveals one of the following:

(a) The department member was not present when the alleged incident occurred.

(b) The department member was not involved either directly or indirectly in the alleged incident.

(c) The circumstances constituting the basis of the allegation against the department member did not occur.

## 907.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

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Upon completion, the report should be forwarded through the chain of command to the Assistant Chief.

Once received, the Chief may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint (Penal Code § 832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief to discuss the matter further.

### 907.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Unit apart from the employee's personnel file.

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# Body Armor

## 908.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 908.2 POLICY

It is the policy of the Los Angeles County District Attorney's Office Bureau of Investigation to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

## 908.3 ISSUANCE OF BODY ARMOR

The Administrative Division shall ensure that body armor is issued to all investigators when the investigator begins service at the Los Angeles County District Attorney's Office Bureau of Investigation and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Division shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 908.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Investigators shall only wear agency-approved body armor.

(b) Investigators shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Investigators may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an investigator is working in uniform or taking part in Department range training. The removal of body armor during Department range training shall be at the direction of the Training Unit Supervisor or the Range Master.

(e) An investigator may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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### 908.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor may be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

### 908.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should not be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions).

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

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# Peace Officer Personnel Files

## 909.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

## 909.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual investigator's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the investigator participated, or which the investigator perceived, and pertaining to the manner in which the investigator performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

## 909.3 EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

**Department File** - That file which is maintained in the office of the Chief as a permanent record of a sworn investigator's employment with this department.

**Training File** - Any file which documents the training records of an employee.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

## 909.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws.

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Nothing in this section is intended to preclude review of personnel files by the District Attorney, County Counsel or other attorneys or representatives of the County in connection with official business.

## 909.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Administrative Captain, the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

### 909.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved investigator or written authorization of the Chief or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the investigator who is the subject of the investigation (or the investigator's representative) publicly makes a statement which is published in the media and which the investigator (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

## 909.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief through the chain of command. The Department shall thereafter remove any such item if appropriate or

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within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee.

## 909.7 TYPES OF PERSONNEL FILES

Peace officer personnel files can be located in any of the following places:

### 909.7.1 DEPARTMENT FILE

The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

1. It shall be the responsibility of the involved employee to provide the Administrative Division or immediate supervisor with evidence of completed training/education in a timely manner.

2. The Administrative Division or supervisor shall ensure that copies of such training records are placed in the employee's department file.

(c) Disciplinary action:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).

3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

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4. Memorandum of counseling shall be maintained in the individual employee's department file for one year from the date of issuance to the employee.

(d) Commendations shall be retained in the employee's department file, with a copy provided to the involved employee.

(e) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status shall be permanently retained.

(f) A photograph of the employee shall be permanently retained.

### 909.7.2 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief. Access to these files may only be approved by the Chief or the supervisor of the Internal Affairs Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered with a prefix of 101 followed by four digits (e.g., 101-XXXX).

2. Each investigation file arising out of a formal citizen's complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)).

### 909.7.3 TRAINING FILES

An individual training file shall be maintained by the Training Section for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Administrative Division or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Administrative Division or supervisor shall ensure that copies of such training records are placed in the employee's training file.

### 909.7.4 MEDICAL FILE

A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

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(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.

(e) Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

### 909.8 PURGING OF FILES

Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

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# Fitness for Duty

## 910.1 PURPOSE AND SCOPE

All investigators are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all investigators of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

## 910.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

## 910.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Lieutenant or employee's available Division Captain, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief shall be promptly notified in the event that any employee is relieved from duty.

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### 910.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other benefit time in order to obtain medical treatment or other reasonable rest period.

### 910.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the unit supervisor and concurrence of a Division Captain, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 910.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Employee Relations to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist

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regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

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# Lactation Break Policy

## 911.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

## 911.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

## 911.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 911.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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# Overtime Payment Requests

## 912.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an Overtime Memorandum as soon as practical after overtime is worked.

### 912.1.1 DEPARTMENT POLICY

Superiors shall evaluate requests to work overtime. Overtime shall be authorized only when necessary to meet the service obligations of the Bureau. (Refer to Sections 6.15.010 and 6.15.090 of the Los Angeles County Code). An employee may be required to work overtime when necessity requires such work. All Overtime must be approved by the Section Lieutenant of the Bureau of Investigation.

Any inquiries regarding accumulated overtime, vacation, sick leave, or time used, shall be directed, in writing, through the investigator's supervisor to the Bureau Timekeeper, rather than to the Departmental Payroll Section.

Refer to the current Memorandum of Understanding for additional information regarding overtime policy.

## 912.2 OVERTIME "AUTHORIZATION AND WAIVER" MEMORANDUMS

The overtime "Authorization and Waiver" memorandum, provides authorization for both Overtime Accrued (OA) and Overtime Paid (OP). Please refer to the current Memorandum of Understanding for additional information on the overtime policy.

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# Outside Employment

## 913.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief in accordance with the provisions of this policy. Refer to County Code Chapters 5.44.050 and 6.16.010 for additional information on outside employment.

### 913.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

## 913.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Employee Report on Outside Employment Activities form which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief for consideration.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

### 913.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

### 913.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's

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performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

### 913.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, vehicles, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department less efficient.

### 913.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

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### 913.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of time they have been approved to work, the employee shall promptly submit written notification of such termination to the Chief through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 913.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The Administrative Division shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief whether such outside employment should continue.

In the event the Chief determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their outside employment, a memorandum from the Chief of the Bureau of Investigation will be forwarded to the involved employee advising him/her to discontinue their off-duty job.

Criteria for revoking permission to work an off-duty job include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Los Angeles County District Attorney's Office Bureau of Investigation, a request (in writing) may be made to the Chief to restore the permit.

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# On Duty Injuries

## 914.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to the Return to Work Unit, to ensure proper medical attention is received, and document the circumstances of the incident.

### 914.1.1 SUPERVISOR'S RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms and follow the procedures outlined in the District Attorney's Office, Return to Work Unit, Occupational Injury Reporting Procedures packet.

All referenceced forms can be found in the Industrial Injury Packet located in the Human Resources Worker's Compensation LADAnet webpage.

### 914.1.2 CHIEF'S RESPONSIBILITIES

The Chief of the Bureau of Investigation shall review and forward copies of the report to the Human Resources Division. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

### 914.1.3 EMPLOYEES DECLINING MEDICAL TREATMENT

Do not report the injury to the Los Angeles County Claims Reporting Center. Provide an Injury Packet to the employee and complete the following forms with employee:

Declining Medical Treatment Form

Employee's Report of Accident

Receipt of Employee Packet

Provide the employee with a copy of the Industrial Injury Packet for future reference.

All referenced forms can be found in the Industrial Injury Packet located in the Human Resources Worker's Compensation LADAnet webpage.

## 914.2 WORKER'S COMPENSATION FUND REPORTS

### 914.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

### 914.2.2 ACCIDENT DEFINED

**Accident -** is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

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### 914.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

### 914.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 914.2. Updated copies of forms with instructions for completion provided by Risk Management are on the LADAnet Human Resources page.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Captain, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Captain as soon as they are completed.

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914.2.5 DIVISION CAPTAIN RESPONSIBILITY
The Division Captain receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief.

914.2.6 CHIEF OF THE BUREAU OF INVESTIGATION RESPONSIBILITY
The Chief shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

## 914.3 INJURY NOT REQUIRING MEDICAL ATTENTION
Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

## 914.4 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the County, and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed:

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# Personal Appearance Standards

## 915.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

## 915.2 HAIR

### 915.2.1 MALE INVESTIGATORS

Male investigators shall keep their hair neat, clean, properly trimmed and well-groomed while on duty. Their hair shall be moderately tapered and may touch the shirt collar, but not extend below it. Sideburns shall be trimmed so as not to extend below the bottom of the earlobe and shall end in a clean shaven horizontal line. The flare or terminal portion of the sideburn shall not exceed the width of the main portion of the sideburn by more than one-fourth (1/4) the unflared width. Mustaches shall be neatly trimmed and groomed and shall not extend below the upper lip line or corners of the mouth. Mustaches shall not extend to the side of mouth by more than one-half (½) inch beyond the corners of the mouth. Beards shall not be permitted and other than the acceptable mustache or sideburns, the face will be clean-shaven, except when shaving is not prudent due to valid medical reasons.

### 915.2.2 FEMALE INVESTIGATORS

Female investigators shall keep their hair clean, neat and well groomed while on duty. Their hairstyle shall not be worn in a manner which will jeopardize the safety of the investigator or cause a hindrance in the performance of her duties. Female investigators' hair shall not extend below the collar or below the eyebrows while performing the following functions:

- Conducting tactical operations (such as the service of arrest and search warrants).
- Performing Honor Guard duties,
- And while wearing the optional Class A uniform.

## 915.3 DRESS STANDARDS

All investigators shall maintain standards of personal hygiene, dress and professional appearance consistent with generally accepted standards of business professional and business casual for members of the legal and business community. Their attire shall be kept neat, clean, pressed and properly tailored.

Unit supervisors determine clothing discretion and all investigators will maintain a set of business attire accessible at their work site in the event that circumstance warrants an upgrade in clothing.

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915.3.1 BUSINESS PROFESSIONAL ATTIRE
The following standards will apply when representing the office externally at meetings, court appearances and all other formal or professional circumstances that the investigator may find themselves in:

- Male investigators shall wear a business suit or sports coat with dress slacks, dress shirt, necktie and appropriate footwear including socks; or the optional class A uniform with approval of their supervisor.

- Female investigators shall wear a dress, skirt and blouse, pantsuit or blouse and pants, appropriate undergarments and appropriate footwear; or the optional class A uniform with approval of their supervisor.

915.3.2 BUSINESS CASUAL ATTIRE
Business casual dress standards for male and female investigators include "khaki" style or dress slacks, tucked-in casual shirts, un-tucked casual collard "blocked" shirts or tops and sweaters and appropriate undergarments. Bureau of Investigation logo shirts and jackets are acceptable. Business casual attire does not include the following:

- Male investigators denims; sweatshirts or sweatpants; tee shirts or tank tops; sandals, tennis, or athletic shoes; tattered garments; safari type vests; plaid, Pendleton style or oversized bulky jackets; wrinkled or faded clothing; any type of clothing that detracts from a professional image, i.e. clothing displaying brand names, names of sports teams or colleges with logos, sporting events, and tight fitting clothes.

- Female investigators denim pants or denim skirts; leggings; casual Capri pants or pedal pushers (defined as any part above the ankle); sweatshirts, sweatpants, sweat jackets, or upscale sweat suits; shorts; tee shirts, tank tops, and low-cut tops; sandals, tennis, or athletic shoes; wrinkled or faded clothing; baggy or oversized clothing and jackets; any type of clothing that detracts from a professional image, i.e. clothing displaying brand names, names of sports teams or colleges with logos, sporting events, tight fitting clothes, mini-skirts or stretch pants.

## 915.4 JEWELRY
Jewelry may not be worn in a manner that might constitute a safety hazard. Rings, watches, necklaces and bracelets worn in reasonable moderation and good taste by either male or female investigators are acceptable.

Earrings worn in reasonable moderation and good taste may be worn by female investigators. While conducting tactical operations, female investigators with pierced ears are only permitted to wear a single stud earring (no larger than three-eighths inch in diameter) in each ear lobe.

## 915.5 BODY PIERCING
Body piercing (except those specifically outlined in this section) including but not limited to nose rings, tongue rings, eyebrow rings, or any other form of ornamentation visible or affixed in a position which may be seen by a member of the public are expressly prohibited.

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### 915.6 TATTOOS

Investigators are prohibited from exhibiting any tattoo, branding, or other form of body art which may be seen by another person.

Investigators who have a tattoo, branding, or other form of body art shall completely cover it with a skin-toned patch, long-sleeved collared shirt, or other garment which is in conformance with the guidelines of the Bureau of Investigation Grooming and Dress Standards policy.

### 915.7 DEVIATION FROM PERSONAL APPEARANCE STANDARDS POLICY

While on-duty, all investigators shall adhere to the above Grooming and Dress Standards Policy. Bureau supervisors may authorize deviation from this policy when reasonable circumstances suggest that standard business attire or other appearance standards are inappropriate (e.g. a specific undercover assignment/training). Deviation from the Grooming and Dress Standards policy will be temporary, reasonable and supported by objective facts presented to the supervisor.

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# Uniform Regulations

## 916.1 PURPOSE AND SCOPE

The tactical uniform policy of the Los Angeles County District Attorney's Office Bureau of Investigation is established to ensure that investigators will be readily identifiable to the public through the proper use and wearing of tactical uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 600 - Department Owned and Personal Property

Section 908 - Body Armor

Section 915 - Personal Appearance Standards

## 916.2 DEPARTMENT ISSUED IDENTIFICATION

The department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

In addition, whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

Investigators working specialized assignments may be excused from the possession and display requirements when directed by their section lieutenant.

## 916.3 TACTICAL UNIFORM STANDARDS

The subsections which follow contain a listing of the items which constitute the Bureau of Investigation official tactical uniform. A brief description of each item, any special information and the manner of wearing certain items is also included.

The tactical uniform shall consist of only those brands and styles approved by the Chief of the Bureau of Investigation and may only be purchased from an approved vendor. Optional items may be worn only when authorized in accordance with this policy. Items not approved are specifically prohibited. The omission of an item shall not be construed as tacit approval. Approved uniforms, safety equipment and identification items shall be maintained in a clean serviceable condition, ready for immediate use. Items shall be replaced when they are worn, damaged, present an unacceptable appearance or do not meet current specifications. Uniformed investigators are subject to inspection of all uniform, safety equipment and identification items to ensure that:

1. Only approved items are worn and/or carried.

2. Items are worn in the approved manner.

3. Items are clean, properly maintained and serviceable.

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4. Members have in their possession all required items.

Items shall fit properly. Unless otherwise stated, uniforms shall be worn with uniform buttons secured at all times.

Every investigator shall have a complete Bureau of Investigation tactical uniform accessible at their work site in the event that circumstances warrant a change in clothing. The tactical uniform shall be worn under the following circumstances:

1. When engaged in field operations likely to result in an arrest.

2. When engaged in the service of search warrants.

3. When engaged in tactical operations where uniformity is appropriate.

4. When engaged in tactical training where the tactical uniform is appropriate.

Unit supervisors or Bureau managers may waive the requirement to wear the tactical uniform at any Bureau operation as the situation warrants.

### 916.3.1 TACTICAL UNIFORM ITEMS

Unless otherwise indicated, uniform and identification items described in this chapter apply to all uniformed members, both male and female.

**Uniform Shirt**

The official tactical uniform shirt shall be black in color with black buttons and a collar. It may be long or short sleeve and shall be worn complete with badge patch, cloth name tape, regulation shoulder patches, and a regulation back patch. Appropriate rank insignia for sergeants and above shall be affixed to the shirt collar. Personnel shall allow only the top collar button to remain unbuttoned.

**Uniform Trousers**

The official uniform trousers shall be black in color with at least two top front pockets, two top rear pockets and two cargo style pockets located horizontally on the side seam of each pant leg.

**Under Shirts**

While in uniform, investigators may wear a solid black undershirt with no visible printing. Any undershirt exposed by an open uniform shirt collar shall be clean, and shall have a standard round or "V" collar.

**Trouser Belt**

A black trouser belt shall be worn with the uniform trousers.

**Footwear**

While in uniform, investigators may wear plain black leather shoes, with black laces or solid black boots with black laces. Ornamented and slip-on shoes are not permitted. The footwear shall be properly maintained and in a serviceable condition. Athletic footwear shall not be worn.

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**Socks**

The visible portion of socks worn with the uniform shall be solid black in color.

916.3.2 CLOTH NAME TAPE

The cloth name tape shall be worn on the tactical uniform shirt. It shall bear the properly spelled legal surname of the wearer. The name tape shall be approximately 1 X 5 ¾ inches, black with gray colored lettering.

The name tape shall be worn above and even with the top seam of the right pocket of the tactical uniform shirt. No space shall be visible between the bottom of the name tape and top of the pocket.

916.3.3 REGULATION PATCHES

All patches shall be sewn securely around the outer edge.

**Badge**

The regulation badge patch shall consist of a star centered on an oval shield. The star shall have six points and the seal of the District Attorney, County of Los Angeles, shall be superimposed on the center of the star. The shield shall have a design consisting of emanating sunrays bordered on the top and bottom by representations of a fasces. The star and shield shall be high contrast silver in color and the ribbon and banners inside the badge shall be black with high contrast silver lettering. The word "INVESTIGATOR" shall appear in uppercase block letters inside the top ribbon of the badge, above the star. The words "DISTRICT ATTORNEY" shall appear in the banner just below the star. The words "BUREAU OF INVESTIGATION" shall appear in the banner just below "DISTRICT ATTORNEY." The badge patch shall be worn above the left pocket of the tactical uniform shirt and on the upper left breast of the protective vest cover.

**Shoulder**

The regulation shoulder patch shall be black in color with high contrast silver lettering and border. The words "DISTRICT ATTORNEY" shall be embroidered across the top of the patch. The word "POLICE" shall be embroidered at the bottom. In between shall be a gray District Attorney seal. The circle bordering the seal shall be high contrast silver in color. The lettering inside the circle shall be black in color. The words "BUREAU OF INVESTIGATION" shall be above the seal. The words "LOS ANGELES COUNTY" shall be below the seal. The words "BUREAU OF INVESTIGATION" and "LOS ANGELES COUNTY" are separated by a five-point star at each side. Shoulder patches shall be worn on both sleeves of the tactical uniform shirt, centered on the sleeve, with the top edge of the emblem one inch below the sleeve seam.

**Back**

The regulation back patch shall be black in color with high contrast silver colored lettering and no border. The word "POLICE" shall be embroidered across the center of the patch. A regulation back patch shall be worn on the back of the tactical uniform shirt and protective vest cover. It shall be centered in the top half of the shirt and cover.

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### 916.3.4 RANK INSIGNIA

**Sergeant**

The sergeant rank insignia shall be a chevron consisting of three stripes. The rank insignia shall be worn centered on each side of the collar on the tactical uniform and pullover shirt. The bottom edge of the insignia shall be ½ inch from the front edge of the collar. The rank insignia shall be either embroidered in gray, or a plain silver metal pin-on chevron, equipped with clutch fasteners.

**Lieutenant**

The lieutenant rank insignia shall be one plain bar, ¼ inch wide and ¾ inches long. The rank insignia shall be worn centered on each side of the collar on the tactical uniform and pullover shirt. The long edge of the insignia shall be ½ inch from, and parallel to, the front edge of the collar. The rank insignia shall be either embroidered in gray, or a plain silver metal pin-on bar, equipped with clutch fasteners.

**Captain**

The captain rank insignia shall be two plain bars, each ¼ inch wide and ¾ inches long, joined by a small bar at each end. The rank insignia shall be worn centered on each side of the collar on the tactical uniform and pullover shirt. The long edge of the insignia shall be ½ inch from, and parallel to, the front edge of the collar. The rank insignia shall be either embroidered in gray, or plain silver metal pin-on bars, equipped with clutch fasteners.

**Deputy Chief**

The deputy chief rank insignia shall be three, five-point stars, each of a size inscribed within a 5/8 inch circle. The stars shall be joined by a small bar so they are 5/8 inches from center to center and arranged so that a corresponding point on each star is perpendicular to the bar. The insignia shall be worn centered on each side of the collar. A corresponding point of each star shall point toward the neck in such a manner that a line bisecting this point on the star nearest the front edge of the collar is one inch from the parallel to the outer edge of the collar. The rank insignia shall be either embroidered in gray, or plain silver metal stars which are raised in the center and rounded.

**Chief**

The chief rank insignia shall be of the same specifications as prescribed for deputy chief except that four stars shall be worn in the same relative positions as that of the deputy chief.

### 916.3.5 OPTIONAL UNIFORM ITEMS

**OPTIONAL CLASS A UNIFORM STANDARDS**

The Class A uniform is "optional" and will be purchased at the investigator's expense (rank inclusive). The uniform is to be worn in compliance with the specifications set forth in the Bureau's Personal Appearance Standards (Policy 915) that are maintained separately from this policy.

The Class A uniform shall consist of only those brands and styles approved by the Chief of the Bureau of Investigation. Items not approved are specifically prohibited. The omission of an item shall not be construed as tacit approval. Approved uniforms, safety equipment and identification

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items shall be maintained in a clean serviceable condition. Items shall be replaced when they are worn, damaged, present an unacceptable appearance or do not meet certain specifications. Uniformed investigators are subject to inspection of all uniform, safety equipment and identification items to ensure that:

- Only approved items are worn and/or carried.
- Items are worn in the approved manner.
- Items are clean, properly maintained and serviceable. Items shall fit properly. Unless otherwise stated, uniforms shall be worn with uniform buttons secured at all times.

The subsections which follow contain a listing of the items which constitute the Bureau of Investigation Official Class A uniform. A brief description of each item, any special information and the manner of wearing certain items is also included.

**OPTIONAL CLASS A UNIFORM ITEMS**

The Class A uniform is a standard law enforcement uniform and may be worn with supervisor approval whenever attending an approved/authorized event and/or representing the Bureau of Investigation and consists of the following apparel and identification items:

- Gun belt (plain black leather)
  - Belt keepers (four plain black leather with two polished nickel snaps)
  - Holster (plain black leather-like)
  - Double magazine pouch (plain black leather)
  - Handcuff case (plain black leather
- headgear
  - LAPD dark navy blue round top dress cap
    - Nickel metal band for the rank of lieutenant and above
    - Black high polished band for the rank of investigator, senior investigator and sergeant
  - Cap piece
- Identification card
- Shirt (LAPD dark navy blue)
  - Badge (official)
  - Rank insignia
    - Sergeant chevrons (high contrast white) on sleeves
    - Lieutenant, captain, deputy chief and chief (polished nickel) on the collars
  - Name plate-surname (polished nickel with black lettering)
  - Bureau high contrast shoulder patches

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  - Service hash mark stripes (high contrast white)
  - Medals, ribbons and emblems (optional)
- Tie (black clip-on)
- Tie bar (polished nickel)
- Trousers (LAPD dark navy blue)
- Socks (black)
- Boots/shoe (black plain/polished toe)

**GUN BELT AND KEEPER STRAPS**

- The authorized uniform gun belt shall be: a black, polished plain leather (or comparable material) belt, and a nickel-plated, colonial-style buckle.
- The approved gun belt for ALL investigators shall be 2 ¼ inches wide. The following authorized items, when wearing a Class A uniform, shall be worn on the gun belt as follows:
  - Ammunition Case
    - The polished plain black leather ammunition case shall be worn on the side opposite the holster, centered between the buckle and hip pocket.
  - Handcuff Case
  - The polished plain black leather handcuff case shall be worn over the rear pocket opposite the holster.
  - Holster
  - Only a plain black leather polished authorized holster shall be worn. Only an authorized on-duty firearm shall be carried in the holster.The holster shall be worn on the hip directly below the gun hand. Only one holster shall be worn on the gun belt.
  - Keeper straps
    - Four keeper straps with two nickel plated snap fasteners, shall be worn to keep the gun belt in place, proportionately spaced, with two in the front and two in the back.
    - The keeper straps shall be black, polished plain leather (or comparable material) keepers, with a double nickel-plated snap fastener.
- No additional leather gear shall be worn on the gun belt when in the Class A uniform.

**TROUSER BELT**

- The trouser belt shall be worn under the gun belt and shall anchor the keeper straps. The trouser belt shall be a black, polished plain leather (or comparable material) belt, with a plain, square, nickel-plated buckle.

**HEADGEAR**

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- Class A Dress Hat with Cap Piece
- Headgear shall be worn squarely upon the head and shall consist of a dark navy blue polyester/wool circular Class A dress hat.
    - with a high gloss plain black strap above the brim and cap piece for the rank of investigator, senior investigator and sergeant.
    - with a polished nickel metal band for the rank of lieutenant and above.
- Cap Piece for Class A Dress Hat (provided by the Bureau)
- The cap piece shall consist of a partial replica of the Bureau of Investigation badge. The seal of the County of Los Angeles shall be represented in the center of the cap piece and surmounted by a California Bear.

**CLASS A UNIFORM SHIRT**

The official long sleeve Class A uniform shirt shall be dark navy in color, wool material, with a collar suitable for the wearing of a tie and have melamine high impact dark navy buttons down the center of the shirt, removable button feature; pocket flaps, shoulder straps (epaulets), suitable to accommodate metal P buttons. The P buttons shall be a silver oxide finish, 5/8-inch diameter and used for the pocket flaps and epaulets (four P button total). The epaulets shall be sewn down to prevent buckling. The Class A uniform shirt shall consist of only those brands and styles approved by the Chief of the Bureau of Investigation and may only be purchased from an approved vendor. The Class A shirt shall be worn complete with badge, name plate, regulation shoulder patches, rank insignia and P buttons. When tieless, personnel shall allow only the top collar button to remain unbuttoned.

**INSIGNIAS**

Insignia shall be worn by rank only.

**SERGEANT INSIGNIA**

The rank insignia for investigators permanently promoted to the rank of the sergeant shall be a chevron consisting of three stripes.

The chevrons shall consist of white stripes on a background of black wool felt. Chevrons shall be affixed with black thread and with a professional stitch. The rank insignia shall be a chevron, consisting of three stripes, ¾-inch-wide and ¼-inch-high. Chevron rank insignia shall be worn on each sleeve of the long sleeve Class A uniform shirt. The chevrons shall be affixed with the top point of the chevron 1/8 inches below the shoulder patch.

**RANK-LIEUTENANT AND CAPTAIN INSIGNIA**

The lieutenant rank insignia shall be one plain, nickel metal bar, ¼-inch-wide and ¾ inches long, equipped with clutch fasteners, affixed to the center of each side of the collar of the uniform shirt. The front edge of the bar shall be ¾ inch from, and parallel with, the front edge of the collar.

The captain rank insignia shall be two plain, nickel metal bars, each ¼-inch-wide and 3/4-inches long, joined by a small metal bar at each end, equipped with clutch fasteners, worn on each side

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of the collar of the uniform shirt. The front edge of the insignia shall be 3-4 inch from, and parallel with, the front edge of the collar.

**DEPUTY CHIEF**

The deputy chief rank insignia shall be three, five point stars, each of a size inscribed within a 5/8-inch circle. The stars shall be joined by a small bar so they are 5/8 inch from center to center and arranged so that a corresponding point on each star is perpendicular to the bar. The insignia shall be worn centered on each side of the collar. A corresponding point of each star shall point toward the neck in such a manner that a line bisecting this point on the star nearest the front edge of the collar is one inch from the parallel to the outer edge of the collar. The rank insignia shall be nickel metal stars which are raised in the center and rounded.

**CHIEF**

The chief rank insignia shall be of the same specifications as prescribed for deputy Chief except that four stars shall be worn in the same relative positions as that of the Deputy Chief.

**MEDALS, PINS AND EMBLEMS**

Armed Forces Ribbons

Uniform ribbons representing duly authorized decorations or awards for service in the Armed Forces of the United States, or any of its allies, may be worn as prescribed for the particular ribbon in the official regulations governing the awards. Ribbons shall be worn on the left side of the Class A uniform below the badge.

Departmental/Lapel Ribbons

Formal medals awarded/issued by the Bureau of ALADS for valor, line of duty, meritorious conduct, distinguished service or exemplary service or other distinguished merit shall only be worn on the Class A uniform. When worn, the ribbon(s) shall be placed below the badge, centered on the top seam of the left breast pocket. Investigators shall not wear or display medals or ribbons to which they are not entitled.

In case of multiple department awards, the group of ribbons shall be centered as with the highest award closest to the center of the shirt. No more than four ribbons shall be worn parallel in a row, with a maximum of two rows. Former military may have three rows of four ribbons. The highest award shall always be on the top row closest to the center of the shirt.

**SERVICE HASH STRIPES**

For each five years of sworn service as a recognized law enforcement officer, investigators shall wear one service hash stripe on the lower left sleeve. The service stripe shall be a white stripe on black felt backing 2 inches wide x 3/8 inches per stripe. Service stripes shall be 1.5 inches above the cuff on the sleeve of the long sleeve shirt.

**TIE AND TIE BAR**

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The uniform neck tie shall be black in color, a double Windsor “red-tied” knot with a bend over metal clip allowing a “breakaway” feature when worn and made of wool material. The necktie shall not, at its widest point, exceed 3 inches or be less than 2 ¾ inches.

The tie holder shall be a bar style holder with a plain, flat face. It shall be polished nickel, and the length shall be compatible with the width of the tie. The tie bar shall be worn horizontally and level with the bottom points of the Class A shirt pocket.

**SHOULDER PATCHES**

Bureau high contrast shoulder patches shall be worn on both sleeves of the long sleeve uniform shirt, centered on the sleeve, with the top edge of the emblem 2 inches below the sleeve seam. Patches shall be sewn securely around the outer edge with a good quality silk thread. Cross stitching is not permitted.

**CLASS A TROUSERS**

The official trousers shall be slack-type pants, wool material, dark navy blue in color, and shall be only those brands and styles approved by the Chief of the Bureau of Investigation and may only be purchased from an approved vendor.

**SOCKS**

The visible portion of socks worn with the Class A uniform shall be solid black in color, Ornamental socks are not permitted.

**FOOTWEAR**

- Shoes or boots
- The footwear shall be leather or a leather/nylon combination, with a solid black leather plain toe or plain cap toe and must be polished. Boots must be highly shined and have black laces

**Uniform Pullover (Optional)**

Investigators may wear the optional pullover uniform shirt in place of the tactical uniform shirt when authorized by a unit supervisor or Bureau manager. The shirt shall be black in color with long or short sleeves, black buttons and a collar.

The pullover uniform shirt shall have the Bureau of Investigation badge patch, regulation shoulder patches and regulation back patch sewn over existing gray imprint. New pullover shirt purchases shall have the Bureau of Investigation badge patch, regulation shoulder patches and regulation back patch.

In addition, the employee's correctly spelled surname shall be embroidered in gray utilizing cursive style lettering (block lettering for new purchases) on the right breast area of the shirt. Appropriate rank insignia for sergeants may be affixed to either the shirt collar or sleeve. Appropriate rank insignia for lieutenants and above shall be affixed to the shirt collar. Personnel shall allow only the

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top collar button to remain unbuttoned. The pullover uniform shirt shall be worn with the tactical uniform trousers unless authorized by unit supervisors or Bureau managers.

**Uniform Cap (Optional)**

The uniform cap shall be black and baseball-type with the words "POLICE" and "LOS ANGELES DISTRICT ATTORNEY" embroidered in high contrast silver on the face of the cap. The cap may be worn while conducting on-duty field operations, i.e., arrest and search warrant operations and/or while working in inclement weather.

**Raid Jacket (Optional)**

The raid jacket shall be black, waist-length and long sleeve. It shall have the Bureau of Investigation badge patch, regulation shoulder patch and regulation back patch sewn on over the existing imprinted silkscreen. Newly purchased raid jackets shall have the Bureau of Investigation badge patch, regulation shoulder patch and regulation back patch. In addition, the employee's correctly spelled surname shall be embroidered in gray utilizing cursive style lettering for existing raid jackets and block lettering for newly purchased raid jackets, on the right breast area of the jacket.

The following guidelines will govern the wear of the raid jacket:

1. The raid jacket may be worn with the tactical uniform during routine duty.

2. The raid jacket may be worn with civilian clothes to give high visibility to non-uniformed personnel who are engaged in special law enforcement operations, i.e., raids serving arrest or search warrants, or are in pursuit of suspects, etc., when it is imperative that they be readily identified as law enforcement officers.

3. The raid jacket shall not be worn as off duty attire.

4. The raid jacket shall not be worn while testifying in court.

### 916.3.6 DEVIATION FROM PERSONAL APPEARANCE AND ATTIRE STANDARDS POLICY

A bureau supervisor may authorize deviation from this policy when reasonable circumstances suggest that the optional attire would be appropriate. Deviation from the Personal Appearance Standards policy will be temporary, reasonable and supported by objective facts presented to the supervisor.

### 916.3.7 PROTECTIVE VEST COVER

All exposed (worn over the shirt) protective vest covers worn by investigators shall conform to the following standards:

1. The vest cover shall be black and made of nylon.

2. The vest cover shall be of an appropriate size to snugly house the bullet resistant panels and properly support the panels in the appropriate position when worn by the user.

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3. The vest cover shall be worn complete with cloth badge patch (measuring 2.75" x 3.667") with Velcro backing, a regulation chest patch and regulation back patch as described in section 916.3.3 of this policy.

4. The vest cover shall be worn with regulation shoulder patches (if equipped with integrated shoulder protection).

5. The vest cover contains five removable MOLLE pockets made of matching black nylon material for handcuffs, radio, magazine, flashlight/baton, utility pouch, and may be worn at the investigators' discretion.

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# Nepotism and Conflicting Relationships

## 917.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

### 917.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation while in a romantic relationship, dating or any other intimate relationship beyond mere friendship. An intimate relationship need not be sexual in nature to be intimate.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 917.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

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(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy. In an effort to minimize impact to a particular unit or the Bureau as a whole, it may be necessary to transfer or reassign only the supervisor who may be involved in the relationship with a subordinate.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, Supervisors and other trainers will not be assigned to train relatives. Supervisors and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation. This section does not apply to training personnel for a training class on a particular day or days.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal, business and/or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal, business and/or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

### 917.2.1 EMPLOYEE RESPONSIBILITY

Upon entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify an uninvolved supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is

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immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

### 917.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of such actual or potential violations through the chain of command.

### 917.2.3 RESPONSIBILITY TO DISCLOSE

It is the responsibility of anyone holding the rank of sergeant or higher to disclose to the Chief through a memorandum, routed directly to the Administrative Division captain, of any personal or family relationship with anyone holding a lower rank.

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# Department Badges

## 918.1 PURPOSE AND SCOPE

The Los Angeles County District Attorney's Office Bureau of Investigation badge and uniform patch as well as the likeness of these items and the name of the Los Angeles County District Attorney's Office Bureau of Investigation are property of the Department and their use shall be restricted as set forth in this policy.

## 918.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried, or worn by members while on duty or otherwise acting in an official or authorized capacity.

### 918.2.1 FLAT BADGE

In addition to the uniform badge, sworn personnel will also be issued a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

a. Should the flat badge become lost, damaged, or otherwise removed from the investigator's control, he/she shall make the proper notifications as outlined in the Policy Manual 600.

b. An honorably retired investigator will be issued a retiree flat badge upon retirement.

c. The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

### 918.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Secretary, Clerk, etc.).

a. Non-sworn personnel shall not display any department identification card except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

b. Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 918.2.3 RETIREE ON-DUTY BADGE

Upon honorable retirement sworn employees may purchase replicas of their assigned duty badge(s) for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy. The retention of keepsake badges and issuance of retiree badges are governed by the following provisions of the County Code:

**5.64.095 Retention of badges as keepsakes.**

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Upon the written request of a department head, the chief administrative officer may authorize the retention of old or obsolete badges as keepsakes. Each badge shall be permanently encased in block lucite, or other similar material, in such fashion to render the badge unusable for active service. The cost of encasement and other associated costs as determined by the chief administrative officer shall not be a cost to the county, and shall be paid by the officer or by such other person or organization identified by the department head in his or her written request. The chief administrative officer may require the payment of estimated costs in advance. (Ord. 2003-0042 § 1, 2003.)

**5.64.250 Retired Badges Permitted when:**

A. Notwithstanding any other provisions of this chapter, any person who has been a duly sworn and regularly appointed, officer or employee and who, prior to the effective date of the ordinance codified herein was honorably retired from such position, may carry such badge lawfully issued to him incident to his retirement if the word "Retired" is plainly shown on such badge by being engraved, embossed, or otherwise permanently affixed thereto.

B. Any person who, prior to the effective date of this chapter, lawfully acquired any honorary badge or other badge indicating that the bearer occupied public office in this county, upon which badge appears the word "Retired," may retain such badge.

C. There shall be inscribed on the back of every "Retired" badge (emphasis added)issued after the effective date of the ordinance codified herein the following information:

1. The name of the person to whom lawfully issued;

2. The date of the entry of such person into county service;

3. The date of the retirement of such person from county service.

F. Nothing in this section authorizes the use of any badge mentioned for any unlawful purpose. The county may confiscate any such badge so used. (Ord. 8041 § 1 (a) and (b), 1961: Ord. 7753 § 37, 1960.)

**918.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

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The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 918.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief and shall be subject to the following:

a. The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Los Angeles County District Attorney's Office Bureau of Investigation. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

2. The badge number portion displays the acronym of the employee association.

b. The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief.

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# Modified Duty Assignments

## 919.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in an on-going good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

## 919.2 DEFINITIONS

**Modified Duty** - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

## 919.3 LIMITATIONS

Modified-duty assignments are a management prerogative and not an employee right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon the Departments needs and the employee's ability to perform in a modified-duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

(b) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Department may place conditions as deemed appropriate upon any modified-duty assignment.

## 919.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division

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Captain through the chain of command or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Captain will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Division Captain. Assignments of longer duration are subject to the approval of the Chief or his/her designee.

### 919.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Captain.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

### 919.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Captain apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Captain with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Captain and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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919.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

## 919.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

919.5.1 EMPLOYEE NOTIFICATION
An employee who learns of her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

919.5.2 SUPERVISOR'S RESPONSIBILITY
Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Captain, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding family and medical care leave.

## 919.6 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

## 919.7 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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# Attachments

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# P.O.S.T. Job Related Work Sample Test Battery.pdf

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**P.O.S.T. Job Related Work Sample Test Battery**
**Recruit Norms**

| | % | 99 Yard Obstacle Course | Body Drag | Chain Fence | Solid Wall | 500 Yard Run |
|---|---|---|---|---|---|---|
| **Excellent** | 99.9 | 11.3 | 3.8 | 5.3 | 5.2 | 55.0 |
| | 95 | 15.7 | 4.0 | 6.0 | 6.1 | 66.6 |
| | 90 | 16.7 | 4.5 | 6.2 | 6.4 | 72.1 |
| **Good** | 85 | 17.3 | 4.7 | 6.4 | 66 | 77.2 |
| | 80 | 17.9 | 4.9 | 6.6 | 6.8 | 81.2 |
| | 75 | 18.3 | 5.0 | 6.7 | 6.9 | 84.6 |
| | 70 | 18.7 | 5.1 | 6.9 | 7.1 | 87.7 |
| | 65 | 19.1 | 5.6 | 7.0 | 7.2 | 90.6 |
| | 60 | 19.5 | 6.2 | 7.1 | 7.3 | 93.3 |
| **Average** | 55 | 19.8 | 6.7 | 7.3 | 7.7 | 95.9 |
| | 50 | 20.13 | 7.25 | 7.7 | 8.1 | 98.5 |
| | 45 | 20.5 | 7.8 | 7.5 | 8.3 | 101.1 |
| **Fair** | 40 | 20.8 | 8.3 | 7.7 | 8.6 | 103.7 |
| | 35 | 21.2 | 8.9 | 7.8 | 9.2 | 106.4 |
| | 30 | 21.5 | 9.5 | 8.1 | 9.7 | 109.3 |
| | 25 | 21.9 | 10.4 | 8.3 | 10.2 | 112.4 |
| | 20 | 22.4 | 10.8 | 8.6 | 11.4 | 115.8 |
| | 15 | 22.9 | 11.6 | 9.1 | 12.3 | 119.8 |
| **Needs Improvement** | 10 | 23.6 | 12.6 | 9.7 | 15.1 | 124.8 |
| | .5 | 24.6 | 14.1 | 10.7 | 20.1 | 132.4 |
| | .01 | 28.4 | 20.2 | 15.8 | 26.5 | 162.0 |

# Hate Crime Checklist.pdf

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# Attachments (1-5).pdf

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# APPLICATION FOR AUTHORITY TO DISPOSE OF SURPLUS PROPERTY.pdf

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76A635 (Rev) 8/97 PS11-82

Attachment 1

# Application for Authority to Dispose of Surplus Property

The items listed below are authorized to be disposed of in accordance with the provisions of Government Code Sections 25503 through 25507

Department: _____ Disposal recommended by: _____ Phone: _____

Disposal authorized by: _____ Title: _____ Date: _____

| To be completed by department manager requesting disposal of surplus item | | | | | To be completed by Purchasing Agent or Dept. Surplus Coordinator | |
|---|---|---|---|---|---|---|
| Qty. | Description | Disposal reason* | Condi-tion** | Asset Tag #*** | Sold, Traded, Transferred or Donated To | Amount Realized |
| | | | | | | |

* Reason for Disposal: U-unusable/damaged & uneconomical to repair; O-obsolete; E-excess to current needs

** Condition of Property: P-Poor; F-Fair; G-Good; E-Excellent; V-Various

***Auditor-Controller fixed asset tag number or department portable equipment tag number

Rubbish/scrap metal disposal: _____ _____ _____

disposed of by (name) date disposal location

To Purchasing Agent:___ trade-in; ___ sale bid; To Dept. Surplus Coordinator:___ other (recycling/donation/auction)

Trade in: √ if old equipment cannot be released until new equipment is received ☐ Req.# _____

Estimated current resale value (if known) $_____ Minimum sale price (if any) $_____

Address of Property: _____

Contact person where property is located: _____ (___)_____

Name Phone Number

If sale, direct payment to be delivered to department cashier at: CAPS Revenue Distribution Account

_____ (_____)_____(optional): _____

Address Phone Number

| To be completed by Purchasing Agent: found to be not required for public use per resolutions Board of Supervisors | | | |
|---|---|---|---|
| Quote Number | Close | Sales Award No. | Issue sales awards as indicated. Purchasing Agent by: |
| | | | |

Forward in duplicate to Purchasing Agent (trade-in/sale bid) or Dept. Surplus Coordinator (other disposal methods)

# Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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# Statutes and Legal Requirements.pdf

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# LADA BOMB Threat Info Card.pdf

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# BOMB THREAT INFO CARD

PLACE THIS CARD UNDER YOUR TELEPHONE

## QUESTIONS TO ASK:

1. When is bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you place the bomb?
7. Why?
8. What is your address?
9. What is your name?

## EXACT WORDING OF THE THREAT:

_____

_____

_____

_____

_____

_____

_____

_____

_____

Sex of caller _____ Race: _____

Age: _____ Length of call: _____

Number at which call was received:

_____

Time: _____ Date: ___/___/___

(OVER)

**BOMB THREAT**

DA-1924-F—76B603—4/91

## CALLER'S VOICE:

| | |
|---|---|
| ____ Calm | ____ Nasal |
| ____ Angry | ____ Stutter |
| ____ Excited | ____ Lisp |
| ____ Slow | ____ Raspy |
| ____ Rapid | ____ Deep |
| ____ Soft | ____ Ragged |
| ____ Loud | ____ Clearing throat |
| ____ Laughter | ____ Deep breathing |
| ____ Crying | ____ Cracking voice |
| ____ Normal | ____ Disguised |
| ____ Distinct | ____ Accent |
| ____ Slurred | ____ Familiar |
| ____ Whispered | |

If voice is familiar, who did it sound like?

_____

_____

_____

_____

## BACKGROUND SOUNDS:

| | |
|---|---|
| ____ Street noises | ____ Animal noises |
| ____ Crockery | ____ Clear |
| ____ Voices | ____ Static |
| ____ PA System | ____ Local |
| ____ Music | ____ Long Distance |
| ____ House noises | ____ Booth |
| ____ Motor | Other _____ |
| ____ Office machinery | _____ |
| ____ Factory machinery | _____ |

## THREAT LANGUAGE:

| | |
|---|---|
| ____ Well spoken (educated) | ____ Incoherent |
| ____ Foul | ____ Taped |
| ____ Irrational | ____ Message read by threat maker |

**REMARKS:** _____

_____

_____

_____

**Report call immediately to (local law enforcement agency):**

_____

_____

Phone number **911**
also notify D.A. Command Center
at (213) 974-3607

Date ___/___/___

Name _____

Position _____

Phone number _____

# Replacement form.pdf

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# Voyager Card.pdf

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# Application for Authority to Dispose of Surplus Property.PNG

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# CLAIM FOR DAMAGES TO PERSON OR PROPERTY.pdf

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Paradise Printing, Inc.

COUNTY OF LOS ANGELES

# CLAIM FOR DAMAGES TO PERSON OR PROPERTY

**INSTRUCTIONS:**

1. Read claim *thoroughly.*
2. Fill out claim as indicated; attach additional information if necessary.
3. This office needs *three copies* of your claim and *three sets* of attachments (if any).
4. This claim form *must* be signed.

TIME STAMP HERE
OFFICE USE ONLY

1. NAME OF CLAIMANT

2. ADDRESS AND TELEPHONE NUMBER TO WHICH YOU DESIRE NOTICES OR COMMUNICATIONS TO BE SENT:

Street | City, State | Zip Code

HOME TELEPHONE: ( ) | BUSINESS TELEPHONE: ( )

3. CLAIMANT'S BIRTHDATE:

4. WHEN DID DAMAGE OR INJURY OCCUR?

DATE | TIME

5. WHERE DID DAMAGE OR INJURY OCCUR?

Street | City, State | Zip Code

6. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED:

7. WERE POLICE OR PARAMEDICS CALLED? YES ☐ NO ☐

8. IF PHYSICIAN WAS VISITED DUE TO INJURY, INCLUDE DATE OF FIRST VISIT AND PHYSICIAN'S NAME, ADDRESS AND PHONE NUMBER:

DATE OF FIRST VISIT | PHYSICIAN'S NAME

PHYSICIAN'S ADDRESS | PHONE ( )

9. WHY DO YOU CLAIM COUNTY IS RESPONSIBLE?

10. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE) :

NAME | DEPT.

NAME | DEPT.

11. WITNESSES TO DAMAGE OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION:

NAME | PHONE

ADDRESS

NAME | PHONE

ADDRESS

NAME | PHONE

12. LIST DAMAGES INCURRED TO DATE (and attach copies of receipts or repair estimate):

TOTAL DAMAGES TO DATE: $_____

TOTAL ESTIMATED PROSPECTIVE DAMAGES: $_____

THIS CLAIM MUST BE SIGNED

*NOTE: PRESENTATION OF FALSE CLAIM IS A FELONY (PENAL CODE SEC. 72.)*

## WARNING

- CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURRENCE. (GOV. CODE SECTION 911.2)
- ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE. (GOV. CODE SECTION 911.2)
- SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE OF THE WRITTEN NOTICE OF REJECTION OF YOUR CLAIM TO FILE A COURT ACTION. ( GOV. CODE SECTION 945.6)
- IF WRITTEN NOTICE OF REJECTION OF YOUR CLAIM IS NOT GIVEN, YOU HAVE TWO (2) YEARS FROM ACCRUAL OF THE CAUSE OF ACTION TO FILE A COURT ACTION. (GOV. CODE SECTION 945.6)

13. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF GIVING RELATIONSHIP TO CLAIMANT:

14. PRINT OR TYPE NAME | DATE

# APPLICATION FOR AUTHORITY TO DISPOSE OF SURPLUS PROPERTY.pdf

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76A635 (Rev) 8/97 PS11-82

Attachment 1

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| To be completed by department manager requesting disposal of surplus item | | | | | To be completed by Purchasing Agent or Dept. Surplus Coordinator | |
|---|---|---|---|---|---|---|
| Qty. | Description | Disposal reason* | Condi-tion** | Asset Tag #*** | Sold, Traded, Transferred or Donated To | Amount Realized |
| | | | | | | |

* Reason for Disposal: U-unusable/damaged & uneconomical to repair; O-obsolete; E-excess to current needs

** Condition of Property: P-Poor; F-Fair; G-Good; E-Excellent; V-Various

***Auditor-Controller fixed asset tag number or department portable equipment tag number

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disposed of by (name) date disposal location

To Purchasing Agent:___ trade-in; ___ sale bid; To Dept. Surplus Coordinator:___ other (recycling/donation/auction)

Trade in: √ if old equipment cannot be released until new equipment is received ☐ Req.# _____

Estimated current resale value (if known) $_____ Minimum sale price (if any) $_____

Address of Property: _____

Contact person where property is located: _____ (___)_____

Name Phone Number

If sale, direct payment to be delivered to department cashier at: CAPS Revenue Distribution Account

_____ (_____)_____(optional): _____

Address Phone Number

| To be completed by Purchasing Agent: found to be not required for public use per resolutions Board of Supervisors | | | |
|---|---|---|---|
| Quote Number | Close | Sales Award No. | Issue sales awards as indicated. Purchasing Agent by: |
| | | | |

Forward in duplicate to Purchasing Agent (trade-in/sale bid) or Dept. Surplus Coordinator (other disposal methods)

# CEW Use of Force Report Field Notes Oct 2013.pdf

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# *CEW/USE OF FORCE REPORTING NOTES*

**Date/Time**: _____ **Investigator Name**: _____

**On Scene Supervisor**: _____ **Investigator(s) Involved:**

_____

_____

**Suspect's Name** _____ **Age:** _____ **Sex:** ____ **Height:** _____ **Weight**: _____

**Location of Incident:** ( )Indoor ( )Outdoor ( )Business ( ) Residence ( ) Other _____

**Address** _____ **Telephone** _____

**Incident Type** (circle appropriate response(s) Subpoena Service Search Warrant
Arrest Warrant Court Facility Suicidal Surveillance Property Inspection Other _____

**Type of Force Used** (Check all that apply): **Type of Subject**: ___ Human ___ Animal

( )Control Holds ( )Chemical ( )Take Down ( ) Personal Weapons ( )Baton ( )Impact Weapon
( ) CEW ( ) Carotid Restraint ( ) TARP ( ) Firearm ( ) Other _____
TASER® Model : X26 ____ X2 ____ Serial Number _____ Bureau CEW # _____

TASER XP 25-ft Air Cartridge Serial Numbers _____, _____, _____

**Fire/Paramedics Agency and #** _____ **Paramedics Treating** _____

**Copy of Paramedic Run Sheet Obtained** Y / N **Ambulance Co**. _____

**Medical Facility**: _____ **Doctor**: _____

**Admitted to Hospital for Injuries**: Y / N **Admitted to Hospital for Psychiatric**: Y / N

**Medical Exam**: Y / N **Suspect Under the Influence**: Alcohol / Drugs (specify): _____

**OK to Book Clearance Sheet Obtained from Medical Facility** Y / N
**Charges**: _____ **Booked**: Y / N **Booking Number** _____

**Was an officer/law enforcement employee injured?** Y / N **Nature of Injuries**

_____

_____

**TASER use** (circle one): Success / Failure Suspect wearing heaving or loose clothes: Y / N
Number of cartridges fired: _____ Number of cycles applied: _____

Taser Usage (check one): ( ) Arc Display ( ) Laser Display ( ) TASER Application TASER:

Is this a dart probe contact?: Y / N Is this a drive stun contact?: Y / N Approximate

target distance at the time of the dart launch: _____ feet

Distance between the two probes: _____ inches Need for an additional shot? Y / N

Did dart contacts penetrate the subject's skin? Y / N Where did missed probes go? _____

Did TASER application cause injury: Y / N If yes, was the subject treated for the injury: Y / N

**Nature of the Injuries and Medical Treatment Required:**

_____
_____
_____
_____

**APPLICATION AREAS**
**(Place "X's" where probes hit suspect <u>AND</u> *"O's" where stunned*)**

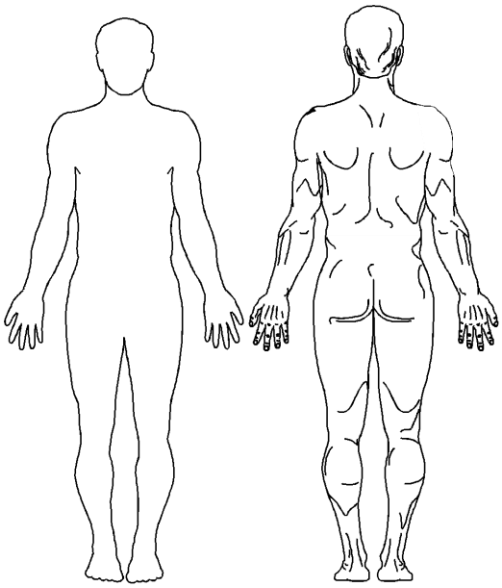

*Diagram also can be used to note location of injuries to suspect*

Need for additional applications? Y / N Did the device respond satisfactorily? Y / N

If the TASER deployment was unsuccessful was a DRIVE STUN followup used? Y / N

If not, what control technique was used to finally control subject? _____

Describe the subject's demeanor after the device was used or displayed?

_____
_____
_____

**Photographs Taken**: Y / N **Suspect Interviewed by**: _____

**AFIDS/Probes/Wires collected and placed in to evidence by**: _____
**Data Download Conducted**: Date: _____ Time: _____ By: _____

**Videotape/Audio Tape/Surveillance Video of Incident?** Y / N

ADDITIONAL NOTES:

_____
_____
_____
_____
_____
_____

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