

# **BUREAU OF INVESTIGATION POLICY & PROCEDURE MANUAL**

**(Updated September 2016)**

## **PREFACE**

Honesty and integrity are the basic expectations of every Bureau of Investigation employee. Engrained in our tradition of professional law enforcement and trial support services, the Bureau remains committed to these basic principles.

Excellence in Bureau services is achieved through the courteous and respectful treatment of others. Quality service and quality people are terms best describing what the Bureau is about. To guide and ensure this culture of realistic expectations, the District Attorney's Office Bureau of Investigation maintains a Manual of Personnel Rules and Regulations.

## **PURPOSE**

The purpose of this manual is to provide a structure of practical guidelines, expectations, procedures, and regulations for all District Attorney's Office employees assigned to the Bureau of Investigation.

Providing quality and responsive investigative services requires the understanding and cooperation of our employees. To achieve this purpose, this manual provides different kinds of ideas. It speaks to Administrative Policy; Chain of Command; Employee Conduct, and Operational Policy and Procedure. As Bureau employees, you are expected to be knowledgeable about the content of this manual and especially with the role or particular job you are performing.

The rules and regulations in this manual supersede any previous rules and regulations.

A handwritten signature in black ink, appearing to read 'M. Smith', with a stylized flourish at the end.

Mike Smith, Chief  
Bureau of Investigation  
May 5, 2005

## **MISSION STATEMENT**

The District Attorney's Bureau of Investigation is committed to provide quality and responsive investigative services to prosecutors, our community, and all those serving throughout the criminal justice system.

### **VALUES**

We value and respect the ideas and opinions of our employees and our community.

While accomplishing our mission, Bureau members maintain exemplary professional standards and customer service.

We hold ourselves accountable to the principles of the mission of the Bureau of Investigation.

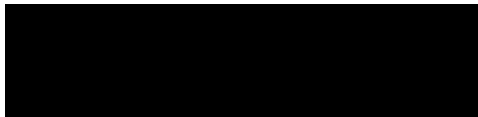
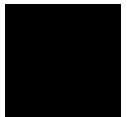
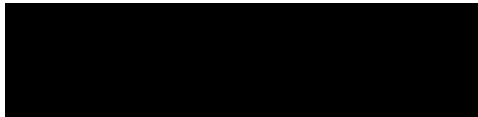
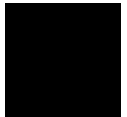
We accomplish our responsibilities through the fair and courteous treatment of others.

**BUREAU OF INVESTIGATION**  
**POLICY & PROCEDURE MANUAL**  
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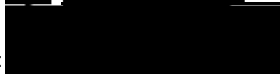
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**ADMINISTRATIVE POLICY**

**1000**

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

1000.00

## **AUTHORITY AND HISTORY - OFFICE OF THE DISTRICT ATTORNEY**

### 1000.1 CONSTITUTIONAL OFFICE

The Office of the District Attorney was created by Article XI, Section 5, of the California Constitution in 1849. The State Legislature prescribed duties for all District Attorneys in 1851, which are as follows:

### 1000.2 DUTIES

The duties of the District Attorney are imposed by Section 26500 through 26525 of the Government Code, which begins, “The District Attorney is the public prosecutor. He shall attend the courts and conduct on behalf of the People, all prosecutions for public offenses...”

### 1000.3 RESPONSIBILITIES

In general, the District Attorney is charged with the responsibility for the prosecution of all felonies that occur within the County. He also has the responsibility to prosecute all misdemeanors in the unincorporated areas of the County and in cities that have no city prosecutor.

### 1000.4 CHIEF PROSECUTOR

The District Attorney as the Chief Prosecutor of the County, must, in addition to prosecuting criminal violations, provide leadership, legal and investigative staff, to assist local law enforcement agencies.

### 1000.5 SERVICE AREA

The District Attorney’s Office serves an area of 20,160 square miles, which is the largest county in the 48 contiguous states. San Bernardino County, one of the 58 counties in California, includes one-eighth of the state’s land, and is larger than the combined area of the states of New Jersey, Massachusetts, Delaware and Rhode Island. San Bernardino County is the sixth most populous county in the state of California.

1000.6      BRANCH OFFICES

The District Attorney's main office is located in San Bernardino, with branch offices in San Bernardino, Barstow, Chino, Fontana, Rancho Cucamonga, Victorville, and Morongo Valley.

1000.7      CENTRAL OFFICE DIVISIONS

- A.      Criminal Enforcement and Operations
- B.      Bureau of Investigation
- C.      Bureau of Administration

Rev. 4-20-09

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**1001.00**

**BUREAU OF INVESTIGATION - AUTHORITY**

1001.1 LEGAL BACKGROUND

Government Code Section 29601 provides that all expenses necessarily incurred in the detection of crime and in the prosecution of criminal cases by the District Attorney are county charges.

1001.2 CASE CITATION

Numerous California case decisions uphold the authority of the District Attorney to employ investigators. Among the cases are:

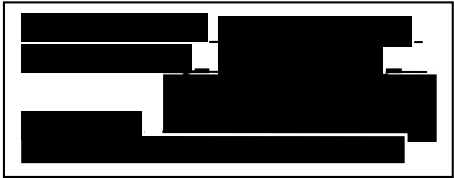
Thail Detective Company v. Toulumne County, (1918) 37 Cal App Rptr. 423, 173 Pacific Reporter 1120.

Cunning v. Carr, (1924) 230 Pacific Reporter 987-69 Cal App Rptr 230

Victors v. Kelsey, (1916) 161 Pacific Reporter 1006, 31 Cal App Rptr 796

Hicks v. Board of Supervisors, (4-22-77) 69 Cal App Report 3d, 288

Rev. 4-24-09



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**1003.0****PEACE OFFICER STATUS AND AUTHORITY**  
**DISTRICT ATTORNEY INVESTIGATORS**1003.1 **STATUS**

California Penal Code Section 830.1(a) grants Peace Officer status to District Attorney Investigators as follows:

*“...any inspector or investigator regularly employed and paid as such in the office of the District Attorney, is a peace officer. The authority of any such peace officer extends to any place in the state.”*

1003.2 **EXTENT OF AUTHORITY**

California Penal Code Section 830.1(a)(1) provides in part:

*“As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs him, or”*

California Penal Code Section 830.1(a)(2) provides in part:

*“Where he has prior consent of the Chief of Police, or person authorized by him to give such consent, if the place is within a city or of the Sheriff, or person authorized by him to give such consent, if the place is within the county; or”*

California Penal Code Section 830.1(a)(3) provides in part:

*“As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.*

1003.3 **COUNTY PEACE OFFICER**

County Peace Officer is defined by California Government Code Section 20021.5 - “County Peace Officer” - includes and means any inspector, investigator, detective, or person with comparable title, in any District Attorney’s Office of a contracting agency whose principle duties are to investigate crime and criminal cases and who receives compensation for such service.

1003.4 PEACE OFFICER DEFINED

California Government Code Section 31469.1(a)

Any other provision in the California Government Code to the contrary notwithstanding, "County Peace Officer" shall also include and mean any inspector, detective, and investigators employed by the District Attorney whose \_principal duties are to investigate crime and criminal cases to receive regular compensation for such services.

California Government Code Section 31904.5

"County Peace Officers" shall include all persons duly and regularly sworn in as provided by law to perform the duties of detectives and investigators in the office of the District Attorney whose duties are substantially similar to those of peace officers and marshals and deputy marshals.

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APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

## 1004.0

### **BUREAU OF INVESTIGATION - DUTIES AND RESPONSIBILITIES**

#### 1004.1 RESPONSIBILITY

The Bureau of Investigation is charged with general responsibility of conducting investigations at the direction of the District Attorney, and as the investigative arm of the legal staff.

#### 1004.2 PRIMARY DUTIES

##### Pre-Trial Investigation

Assisting the Deputy District Attorney in properly preparing a case for court proceedings is a primary responsibility of a District Attorney Investigator. This may require investigation that is supplemental to a police or sheriff investigation when a local law enforcement agency is not able to conduct follow-up investigation after the initial complaint has been filed.

A pre-trial investigation is generally opened after a defendant has been held to answer at a preliminary hearing when the evidence has disclosed weaknesses in the case and there is a need to strengthen the case before trial. Pre-trial investigations may, depending on the circumstances of the case in question, be conducted prior to the filing of a case or conducting of a preliminary hearing. During the actual trial phase, a Deputy District Attorney may sometimes request investigation of a new facet of the case that has been brought to light for the first time during trial testimony.

#### 1004.3 DISCRETIONARY INVESTIGATIONS

The Bureau of Investigation, typically through its specialized units, may become involved in the investigation of activities involving public integrity, major, complex and complicated frauds, embezzlements, investment schemes, real estate frauds, thefts and conspiracies occurring within this jurisdiction. Investigations arising out of the abuse of judicial process such as perjury, witness intimidation, falsification of evidence, and conspiracy to obstruct justice, may be referred to the District Attorney by judges in whose court the offense occurs. Also included in this type of investigation are bribery and California Election Code violations, wherein the problem is not one of identification, location and apprehension of an unknown suspect in an obvious crime, but rather one of gathering sufficient evidence to prove the crime has been committed by a litigant in court, a public official or a well-known public figure.

1004.4 ORGANIZED CRIME

The primary objective in this field is the analyzing of information about individuals involved in organized crime in this County. The District Attorney must be kept informed of any infiltration of organized crime into the County and its affect on local law enforcement. If, in the course of analyzing intelligence information, evidence of prosecutable crimes is obtained, such evidence may be pursued or turned over to the proper law enforcement agency for further investigation and court preparation.

1004.5 COOPERATIVE INVESTIGATION

It is the policy of the District Attorney to provide whatever investigative or technical assistance possible when so requested by other law enforcement or prosecutorial agencies.

1004.6 GRAND JURY

The Bureau of Investigation will provide investigative assistance to the Grand Jury as requested through the District Attorney.

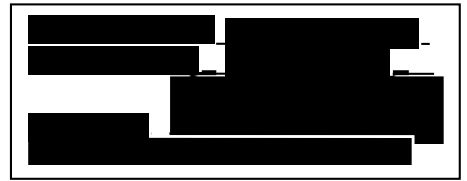
All information and evidence collected during an investigation for the Grand Jury is considered confidential.

1004.7 NOTIFICATION - OTHER AGENCIES

Generally, in cases where the Bureau of Investigation undertakes an investigation that could have been initiated by another agency (San Bernardino Sheriff, Fontana Police, etc.) that agency shall be notified of the principles and general description of the complaint for their information in the event of future inquiries. If the complaint requires immediate action, the agency shall be notified by phone, or personal contact, followed by a written notification. In any event, a written notification shall be submitted to the agency.

In situations where the Bureau of Investigation receives a request to conduct an investigation from a victim or interested party and the Bureau declines to investigate, a copy of any correspondence requesting an investigation, along with a written letter of explanation shall be forwarded to the primary law enforcement agency responsible for conducting investigations for the area where the alleged crime occurred.

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APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**1006.00**

## **TRAINING**

### A. POLICY

All training for members of the District Attorney's Bureau of Investigation will be categorized into two classifications:

1. Mandatory. Required by POST or other statute.
2. Desirable. Those courses that are not mandated by law or POST, but are desirable for an assigned position / unit. This may include an assignment to attend specific seminars and/or conferences.

### B. GENERAL

Each position within the Bureau of Investigation has been assigned certain courses that have been demonstrated to be valuable to an employee in a specific assignment and/or unit. Generally, the courses listed as desirable should be completed prior to attending courses that are not listed. Upon the approval of the Chief or his designee, courses may be added or deleted from the recommended list.

### C. CLASSIFICATION

The courses are listed by classifications and by units.

1. CLASSIFICATIONS
  - a. Chief
  - b. Assistant Chief
  - c. Supervising Investigator
  - d. Senior Investigator
  - e. Investigator
  - f. Investigative Technician
  - g. Clerical

2. UNITS
  - a. Trial Preparation
  - b. Specialized Investigation
3. OTHER
  - a. S.R.T. Members
  - b. Rangemasters

D. TRAINING COORDINATOR

The Administrative Division of the Bureau of Investigation has an assigned Training Coordinator.

The Training Coordinator is responsible for the following:

1. Insuring compliance with all legislative and Peace Officer Standards and Training (POST) mandates concerning training and by using appropriate monitoring and proper record-keeping.
2. Maintaining printed and computerized records that pertain to training.
3. Developing, coordinating and planning courses related to the mission of the Bureau of Investigation.
4. Providing registration, reservations and logistical assistance (including course-related finances) for Bureau staff members assigned to attend a course or conference.
5. Attending local (STARS) and state (POST/CAPTO) training meetings and conferences.
6. Liaisoning with law enforcement agencies for training related issues.

E. TRAINING RECORDS

The maintenance of training records is one of the Training Coordinator's most important functions. Training records are kept in order to monitor and comply with statutory and regulatory requirements and to protect the agency in the event of potential criminal and civil litigation.

The courts have recognized that the hiring agency and its administrators have an affirmative duty to train the officers they employ. Failure to train, as well as improper, inadequate or non-existent training can be considered negligent.. It is the Training Coordinator's responsibility to identify training needs or deficiencies, schedule training and properly document the delivery of training.

Training records shall be kept in a secure file and a location separate from personnel records.

#### F. TRAINING MANAGEMENT SYSTEMS (T.M.S.)

Bureau of Investigation training records are maintained in a database program entitled "Training Management System" ("TMS."). This program allows data input, tracking and anticipation of all training requirements for the members of the Bureau of Investigation. TMS is capable of producing multiple report variations for individual and departmental data. Possible reports include all POST courses that have ever been taken by an individual that were recorded by POST. It also includes employee's POST certificates and dates, as well as when individuals are due for training. The TMS program can also provide statistical information as well as equipment inventories.

The information contained within TMS is considered confidential and the program itself can only be accessed by the Training Coordinator, an Assistant Chief or the Chief.

The information contained within an employee's training file is available for an employee's review. To view your own file, contact the Training Coordinator who will make the appropriate records available for review. Supervising investigators may request the training files of their assigned staff members in order to assist in planning, scheduling or the completion of an employee's Work Performance Evaluation (WPE).

#### G. TRAINING NOTIFICATION

Notification that an employee requires training will generally be sent to the employee via email or inter-office mail. The notification will typically be in situations where an individual has been assigned to attend a specific mandated course or their POST compliance is scheduled to expire. The notification will be sent to the employee as well as the employee's supervisor.

To facilitate development and provide for continuous employee training, it is vital that supervisors review and approve course selections prior to an employee submitting a request to attend a class to the Training Coordinator. Once a supervisor approves attendance at a course, the request shall be forwarded to the Assistant Chief of the Operations Division. Once the Operation's Assistant Chief approves attendance at the course, the Administrative Division Assistant Chief will be notified and arrangements for course attendance facilitated. A quick response to all training notifications is key in order to secure course reservations and ensure financial arrangements.

In those instances where employees fail to respond in a timely fashion to the training notifications and an employee's POST compliance is about to lapse, the Assistant Chief Investigators will assign the employee a course to attend.

For scheduling purposes, employees and supervisors will be notified at least six (6) months in advance of their POST compliance expiration date. Employees will be notified they are being required to attend training via the chain of command and with as much advance notice as practical.

## H. PROCEDURES – GUIDELINES FOR REQUESTING TRAINING APPROVAL/ REIMBURSEMENT

### 1. Request for Training

#### a. Applies to all Investigators / Technical / Clerical.

All requests for training (mandated, desirable, conferences, etc.,) must be sent for approval (via the chain of command). Once approved, the signed request must be routed to the Training Coordinator for processing.

#### b. Technical and Clerical, only

An Education Assistance Proposal (EAP) must be completed and must accompany all requests for training. In order to maximize the level of training delivered, whenever possible, MOU funds will be utilized for the training of clerical and technical staff members.

### 2. Travel

#### a. Local

Generally, when possible training will be selected at a location in Southern California. Unless otherwise approved (in advance), the mode of transportation will be in a county vehicle.

#### b. Out-Of-Area (beyond Southern California)

If the selected and approved course is not in Southern California, the Training Coordinator will determine the most cost effective method of transportation. Due to the remoteness of some locations, some training site(s) are located a significant distance from hotels/airports and rental cars may either not be available or economically feasible. In such cases, a county vehicle may be authorized for usage.

The final decision on travel outside of Southern California will be made on the recommendation of an Assistant Chief Investigator or, in their absence, the Chief Investigator.

### 3. Shuttle Service

If flying to the course is approved, the Training Coordinator will determine if shuttle service is provided from the airport to the hotel. If a shuttle service is not available, then a rental car may be authorized. **Note:** POST does not reimburse for rental cars. Therefore, authorization and reservations for an approved rental car will be made by the Training Coordinator prior to the course.

4. Travel Advances

The request for an advance is completed and processed two to four weeks before the course starts. Approximately one week prior to departure date, a check will be mailed to the employee's residence. Employees attending training are required to keep detailed records/documents of all lodging and travel receipts as they are required to complete a County travel expenditure claim form after have return to the office at the conclusion of the course.

5. County Credit Card

On occasion, a County credit card may be required and may be obtained with **prior approval** from an Assistant Chief, or in their absence, the Chief.

To obtain the credit card, an employee shall enlist the assistance of the Training Coordinator or, in the Training Coordinator's absence, the employee's supervisor (who may contact Management Services for assistance). Please do not contact Management Services directly for these purposes.

6. Registration and Reservations

After the appropriate course/transportation request has been obtained, the Training Coordinator will make all registration and reservations needed for attending the course. This will include course detail(s), hotel reservation, shuttle or approved rental cars and airline reservations.

In most cases, the Training Coordinator will notify the employee if there are special accommodations/requirements needed for the course. The Training Coordinator will provide the employee with maps, special instructions, a list of special equipment required for the course and an itinerary setting forth all necessary reservations and/or information.

Employees should contact the Training Coordinator if they have any questions or concerns regarding the course package.

By having the Training Coordinator handle all arrangements, it prevents the duplication of reservations and other conflicts are minimized. Employees are authorized to make modifications to their travel or hotel accommodations, however, any modifications should be reported directly back to the Training Coordinator for their records.

7. Returning From a Course

a. Evaluations

A Bureau of Investigation course evaluation form will be included in the employee's course packet. Each employee attending the course shall complete the course evaluation form and give it to the Training Coordinator within **the first week** after they return to their assigned work location. Employee comments and critiques will be used to evaluate the course and course provider.

b. Certificates

A photocopy of any certificate an employee receives shall be sent to the Training Coordinator and will be placed in the employee's department training file. The employee shall personally retain their original certificate.

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APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**1006.10**

**TRAINING COURSES – MANDATORY / DESIRABLE**

A. CHIEF INVESTIGATOR

1. Mandatory

- a. Executive Development Course
- b. P.O.S.T. Management Course

2. Desirable

- a. P.O.S.T. Command College
- b. F.B.I. National Academy
- c. Media Relations
- d. Management Leadership Academy (M.L.A. / S.B.C.O.)
- e. F.B.I. Southwest Command College
- f. Executive Development
- g. P.O.S.T. Management Seminar

B. ASSISTANT CHIEF INVESTIGATOR

1. Mandatory.

- a. Executive Development Course
- b. P.O.S.T. Management Course

2. Desirable.

- a. P.O.S.T. Command College
- b. F.B.I. National Academy
- c. Media Relations
- d. Management Leadership Academy (M.L.A. / S.B.C.O.)
- e. F.B.I. Southwest Command College
- f. P.O.S.T. Management Seminar

C. SUPERVISING INVESTIGATOR

1. Mandatory

- a. P.O.S.T. Supervisory School (80 hours)
- b. Internal Affairs Investigation
- c. Officer Involved Shooting
- d. Supervisory Leadership Institute (SLI)
- e. Fundamentals of Supervision (San Bernardino County)
- f. Sexual Harassment

2. Desirable

- a. Case Management
- b. Legal Updates
- c. Assertive Supervision
- d. Media Relations
- e. Management Leadership Academy (M.L.A. / S.B.C.O.)
- f. Tools for Tolerance for Supervising Line Staff

D. INVESTIGATOR & SENIOR INVESTIGATOR (TRIAL PREPARATION)

1. Mandatory

- a. P.O.S.T. DA Investigator School (80 hours)
- b. ICI Detective Course (DA Investigators Only)

[See P.A. M. Manual for other mandated courses.]

2. Desirable

- a. Advanced Criminal Investigation
- b. Crime Scene Investigation
- c. Homicide Investigation
- d. Robbery Investigation
- e. Gang Investigation
- f. Economic Crime Investigation
- g. Sexual Assault Investigation
- h. Internet Investigations
- i. Interview and Interrogation / Behavioral Analysis
- j. Informant Development and Maintenance
- k. Domestic Violence
- l. Verbal Judo
- m. O.C. Spray

E. SPECIALIZED INVESTIGATIONS

The courses listed below are DESIREABLE and in addition to the core courses listed for Investigator & Senior Investigator (Trial Preparation).

- 1. ADMINISTRATIVE INVESTIGATOR
  - a. Background Investigations
  - b. Internal Affairs
  - c. Officer Involved Shooting Investigations
  - d. Public Integrity (Political Corruption)
  - e. Training Manager Course
  - f. Legal Update Seminars
- 2. ASSET FORFEITURE

- a. Asset Forfeiture
  - b. Economic Crimes
3. AUTO INSURANCE FRAUD / WORKER'S COMP. FRAUD
- a. Economic Crimes
  - b. Advanced Criminal Investigation
  - c. Financial Forensics Investigation (80 hours)
  - d. Fraud / Forgery investigation (Basic)
  - e. Fraud / Forgery Investigation (Advanced).
4. HARD CORE GANG
- a. Homicide Investigations
  - b. Advanced Homicide Investigations
  - c. Cold Case investigations
  - d. Gang Investigations
  - e. Robbery Investigations
  - f. Narcotics Investigations
  - g. Gang Homicide Investigations
  - h. Officer Involved Shooting Investigations
  - i. Serial Killer Investigation & Prosecution Seminar
  - j. National Homicide Symposium
  - k. Death Penalty / Special Circumstance Seminar
  - l. Crime Scene Investigation
  - m. Blood Spatter Interpretation
  - n. Missing & Exploited Children (Case Investigation & Program management)
  - o. National Missing & Unidentified Persons Violent Crime Workshop

- p. Stalking Seminar
- q. Update of the Violent Criminal Apprehension Program (VICAP)
- r. Surveillance Training
- s. Electronic Surveillance Training (Wire Tape)
- t. Psychopath & Violent Offenders
- u. Fugitive Conference / Foreign Prosecution
- v. Domestic Violence Seminar
- w. Interviewing & Interrogation / Behavior Analysis Training
- x. Collection & Preservation of Evidence
- y. Advanced Criminal Investigation
- z. Violent Criminal Behavioral Analysis

5. CHILD ABDUCTION

- a. Child Abduction / Advanced Child Abduction
- b. Interviewing & Interrogation / Behavior Analysis Training

6. REAL ESTATE FRAUD

- a. Real Estate Fraud
- b. Asset Forfeiture
- c. Interviewing & Interrogation / Behavior Analysis Training
- d. Financial Forensics Investigation (80 hours)
- e. Fraud / Forgery investigation (Basic)
- f. Fraud / Forgery Investigation (Advanced)

7. SPECIAL PROSECUTIONS / CONSUMER FRAUD

- a. Hazardous Material Investigations
- b. Consumer Affairs investigations
- c. Economic Crimes Investigations
- d. Interviewing & Interrogation/Behavior Analysis Training
- e. Financial Forensics investigation (80 hours)
- f. Fraud/Forgery Investigation (Basic)
- g. Fraud/Forgery Investigation (Advanced)

8. INVESTIGATIVE TECHNICIAN

a. Mandatory

- 1. CLETS
- 2. CNI

b. Desirable

- 1. Investigative Technician Academy \*
- 2. Oleoresin Capsicum.\*
- 3. Verbal Skills \*
- 4. Power Point \*
- 5. Evidence \*
- 6. Photography \*
- 7. Video \*
- 8. Graphics \*
- 9. Defensive Driving
- 10. Field Evidence Technician
- 11. Evidence Room Operations \*

12. Introduction to Internet

\*Designates that the course may be taught in-house.

9. CLERICAL

a. Mandatory

1. CLETS
2. CNI

b. Desirable

1. Word Processing (Word)
2. Verbal Judo
3. Records Management

10. FIREARMS INSTRUCTOR

a. Mandatory

1. Firearms Instructor (80 hours)

b. Desirable

1. Instructor Development
2. MP-5 Submachine Gun Instructor
3. Glock Armorer
4. Remington 870 Shotgun Armorer
5. Ruger Mini-14 Armorer
6. Tactical Shotgun Instructor
7. Tactical Carbine Instructor
8. First Aid

11. SPECIAL RESPONSE TEAM (S.R.T.)

a. Mandatory

1. Not applicable

b. Desirable

1. MP-5 Operator (Mandatory for MP-5 Operation)

2. Sure Fire Low Light

3. First Aid

4. Dignitary Protection

5. Advanced Handgun

6. Witness Protection


Revised 01/22/2006

**CHAIN OF COMMAND**

**2000**

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **December 12, 2005**

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**2001.01**

## **CHAIN OF COMMAND**

### A. **CHAIN OF COMMAND**

1. The order in which authority is wielded and passed down is known as the “Chain of Command.” As a matter of practice, employees shall generally direct communication through their supervisor who will forward this communication up the chain of command when necessary.
  - a. In the Bureau of Investigation, the Chief Investigator reports directly to the elected District Attorney. As the highest-ranking official in the Bureau, the Chief Investigator is the Appointing Authority for Bureau of Investigation employees.
  - b. Next in progression is the rank of Assistant Chief Investigator. Assistant Chief Investigators answer to the Chief Investigator.
  - c. Supervising Investigators answer to the Assistant Chief Investigators.
  - d. Senior Investigators, Investigators, and civilian employees assigned to the Bureau of Investigation (System Forensic Technicians, Investigative Technicians and Office Assistant IV’s) answer to Supervising Investigators.
2. Whenever possible, employees are expected to use the “Chain of Command.”
3. Managers are expected to be approachable and maintain an “open door” policy. This means that any employee, regardless of rank, title or employment duration, may meet or discuss matters with any level of supervisor or manager in the organization.
4. Employees are encouraged to resolve work-related issues by speaking directly with their supervisor. The employee may notify the supervisor of their desire to seek redress with their supervisor’s manager when mutual issues cannot be resolved at their level.

### B. **JOB DESCRIPTIONS**

The Bureau of Investigation employs personnel in the following classifications:

1. Chief District Attorney Investigator (Chief)

Appointed by the District Attorney, the Chief Investigator is a sworn peace officer who provides leadership and direction for the Bureau of Investigation in areas from the traditional functions of criminal investigations and trial preparation to

specialized assignments within the various units of the District Attorney's Office supported by the Bureau of Investigation. Significant administrative oversight occurs in the areas of policy development, risk management, training and measurable goals that comprise the Strategic Plan. The Chief is expected to promote professional relationships in the workplace, ensure Bureau responsiveness and support to the District Attorney's Office, its values and its mission. The Chief Investigator also serves as the appointing authority for peace officer and civilian personnel within the Bureau.

2. Assistant Chief District Attorney Investigator (Assistant Chief)

A sworn peace officer, an Assistant Chief Investigator is a manager who operates his/her respective division under the direction of the Chief Investigator, and who serves as Acting Chief Investigator during the absence of the Chief Investigator. The Assistant Chief Investigator manages his/her area of responsibility through Supervising District Attorney Investigators and by working with and through other staff members. At the direction of the Chief Investigator, the Assistant Chief Investigator acts as an Appointing Authority for employees of the Bureau of Investigation. The Assistant Chief Investigator directs and controls his/her division and meets regularly with his/her staff members to distribute information, develop goals, disseminate work assignments, measure outcomes and ensure observance of policies, procedures, goals, beliefs, values and mission.

3. Supervising District Attorney Investigator

Under the direction of an Assistant Chief Investigator, a Supervising District Attorney Investigator is a sworn peace officer who supervises his/her respective unit. A Supervising District Attorney Investigator is responsible for the day-to-day operations of his/her unit by personally instructing and observing staff members to ensuring his/her staff members conducting operations for the District Attorney do so in accordance with policies, procedures, goals, beliefs, values and mission. The Supervising District Attorney Investigator is both a coach and a mentor, responsible for ensuring effective operations, instructing employees in the performance of job tasks, monitoring operations, being personally aware of the performance of each employee in his/her unit and for preparing annual performance appraisals for each employee under his/her supervision.

4. Senior District Attorney Investigator

Operating under the supervision of a Supervising District Attorney Investigator, the Senior District Attorney Investigator is a sworn journeyman level peace officer, who performs investigations, locates witnesses, conducts interviews, writes and executes search warrants, makes arrests, prepares reports, assists in the investigation and prosecution of criminal cases, and performs other duties as assigned.

5. District Attorney Investigator

Operating under the supervision of a Supervising District Attorney Investigator, the District Attorney Investigator is a trainee level peace officer, who performs investigations, locates witnesses, conducts interviews, writes and executes search warrants, makes arrests, prepares reports, assists in the investigation and prosecution of criminal cases, and performs other duties as assigned. The position of District Attorney Investigator is not a permanent rank, but a transitional trainee position. At the successful completion of a 12-month probationary period, District Attorney Investigators are promoted to the rank of Senior District Attorney Investigator.

6. Systems Forensic Technician

Operating under the supervision of a Supervising District Attorney Investigator, Systems Forensic Technicians perform myriad tasks of preparing electronic/computer-generated displays of exhibits for courtroom presentation or in support of furthering the mission of the office, including graphical, video, or audio material. Systems Forensic Technicians also operate link analysis software and perform computer forensic examinations, take photographs, perform the duties of Investigative Technicians as required and other duties as assigned.

7. Investigative Technician II

Operating under the supervision of a Supervising District Attorney Investigator, Investigative Technician II's perform myriad tasks, and depending upon their assignment use electronic data to locate witnesses, use computers to generate charts as exhibits for courtroom presentation, maintain bureau vehicles, operate cameras and video recorders, testify in court, serve

subpoenas and/or maintain evidence systems. Investigative Technician II's also type reports, duplicate electronic evidence and perform other duties as assigned.

8. Chief's Secretary (Secretary II)

Supervised by the Chief Investigator, the Chief's Secretary (a civilian position) serves as the secretary to the Chief of the Bureau of Investigation. The secretary also provides secretarial assistance to the Assistant Chiefs. The secretary schedules appointments, completes reports and forms, types correspondence, transcribes interviews, maintains the Bureau's report log and file system, answers phone calls, serves as a resource for Office Assistant III's and IV's assigned to the Bureau of Investigation and performs other duties as assigned.

9. Trial Prep Coordinator/Witness Coordinator (Office Assistant III & IV)

Office Assistant III's and IV's assigned to the Bureau of Investigation operate as Trial Prep Coordinators or Witness Coordinators. A Supervising District Attorney Investigator supervises Office Assistant III and IV positions. These positions are responsible for receiving assignments from prosecutors, via the Supervising DAI, wherein witness transportation needs are met, files are prepared for court, witnesses are scheduled to appear in court and statistics are maintained on unit productivity. Office Assistant III's and IV's perform other duties as assigned that further their assignment or the mission of the office.


C. EMPLOYMENT STANDARDS

Establishing personnel employment standards and procedures for positions within the Bureau of Investigation is a joint function handled by the Bureau of Investigation's administrative staff in consultation with the County's Human Resources Department. These standards are reviewed periodically and updated as needed. Current standards for all positions are available through the Human Resources Department, the Assistant Chief of the Bureau's Administrative Division or on the County's Human Resources Website (<http://www.sbcounty.gov/hrjobspecs>).

Rev.12/12/05

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **December 26, 2007**

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*


**2001.02**

## **MEMORANDUMS OF UNDERSTANDING**

- A. Memorandums of Understanding govern wages, working conditions and other employment-related agreements between employees of the County and the County. Employees are encouraged to be familiar with the agreement (MOU) between the County and their employment classification. Listed below are the various MOU's. These MOU's are available on-line at the indicated address. Additionally, a hard copy of the MOU may be obtained through the employee's bargaining unit.
1. Exempt MOU  
[\(Click Here\)](#)
  2. Safety Supervision/Safety Management MOU  
[\(Click Here\)](#)
  3. Safety MOU  
[\(Click Here\)](#)
  4. Consolidated (Civilian Employees) MOU  
[\(Click Here\)](#)

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **April 24, 2009**

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**2001.03**

## **COUNTY PERSONNEL RULES**

All employees assigned to the Bureau of Investigation are employees of the County of San Bernardino. As such, all employee conduct, in addition to being governed by the rules listed in this manual, is regulated by the County of San Bernardino Personnel Rules. Employees are advised they are responsible for adherence to the County Personnel Rules. All Bureau of Investigation employees are provided Internet access from their office computer, and may therefore access the County Personnel Rules by visiting the listed link:

([http://countyline/hr/employeerelations/\\_content/PERSONNELRULES\\_72407.pdf](http://countyline/hr/employeerelations/_content/PERSONNELRULES_72407.pdf))  
Revised 4-28-09)

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**2002.00**

**LAWFULNESS OF ORDERS**

A. **LAWFULNESS OF ORDERS**

1. All orders, when issued by a supervisor, are presumed to be lawful. Employees shall obey orders promptly and willingly. An unlawful order by a supervisor shall not be obeyed. The employee receiving the unlawful order shall point out the unlawfulness to the supervisor for the purpose of receiving alternative orders.
2. No supervisor shall knowingly and willfully issue any order in violation of any law, ordinance, or departmental/County regulation or policy.
3. The failure or deliberate refusal of any employee to obey an order given by a supervisor of this department shall be deemed insubordination. Flouting the authority of any supervisory officer by wanton disrespect or by disputing his orders is also insubordination. Insubordination may be cause for dismissal from the department.
4. An employee who has been given an order and subsequently given a conflicting order shall call this fact to the attention of the person giving the second order. The supervisor issuing the second order has the authority to direct the sequence in which the orders shall be accomplished. The employee has the right of appeal after orders have been carried out.
5. Employees who are given orders they believe are unjust, but not unlawful or in contradiction of rules, regulations, policies or general orders, shall first obey the order to the best of their ability, and then may appeal the order.
6. Appeal to an order is to be made in writing to the Chief or his/her designee via the chain of command. The employee must state all circumstances in appeal and justify the appeal. Appeals involving the disciplinary process are regulated by POBAR, County Personnel Rules and/or the employee's MOU, and as such, these governing documents should be consulted for additional direction.

Rev. 4-24-09

**EMPLOYEE CONDUCT**

**3000**

EFFECTIVE DATE: November 15, 1999  
REVISION DATE: January 22, 2006

APPROVAL   
Mike Smith, *Chief – Bureau of Investigation*

**3001.00**

## **ATTENDANCE/WORK HOURS**

### **A. DUTY TIME OF EMPLOYEES**

1. Employees shall report for duty promptly and properly at the time specified by their supervisor. Supervisors will designate lunch and break times. Any adjustments shall have prior supervisory approval.
2. All sworn investigators are peace officers vested with police powers and are considered "on duty" pursuant to P.C. 830.1.
3. The Chief or his designee will set the working hours to suit the needs of the Bureau in accordance with the existing M.O.U.
4. Overtime and holiday compensation may be authorized pursuant to employee M.O.U.'s and guidelines established by the Chief or his designee.
5. All Bureau employees shall have an operational telephone at their residence. Employees shall report any change of telephone number or address to their supervisor within 24 hours.

### **B. EMPLOYEE ABSENCE**

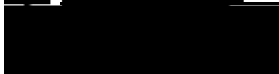
1. Sick leave shall be used only for its intended purpose and in accordance with the existing M.O.U. Sick leave is allowable in accordance with County rules and when applicable, certificate of a physician or other proof of illness satisfactory to the Chief or his designee may be required. The employee's immediate supervisor shall review and either approve or disapprove the sick leave taken. Any disapproval after review shall constitute unauthorized absence pursuant to the M.O.U. of each employee group.
2. On-the-job injury or illness occurring to any employee in the course of Department employment shall be handled in a manner in compliance with state law, County rules and bargaining unit M.O.U.
3. Absence due to the death, or a critical illness where death is imminent, of a member of the employee's immediate family, shall be allowed with pay in accordance with the employee's bargaining unit M.O.U.
4. Absence without pay may be allowed upon application through chain of command to the Chief or his designee. The Chief, at his/her discretion and upon recommendation of the employee's supervisor and/or Assistant Chief, may grant such leave.

5. Military leave is governed by County rules and provisions of the Military and Veteran's Code.
6. Employees compelled to be absent from duty for any reason shall notify their supervisor as soon as reasonably possible. Failure to properly notify their supervisor immediately shall be deemed misconduct.
7. Pregnancy and paternal time off for an employee are governed by the employee's bargaining unit M.O.U. and existing County rules, state law and federal law.

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EFFECTIVE DATE: **November 15, 1999**

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APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3002.00**

## **STATEMENTS, ACTS, AND PERSONAL CONDUCT OF EMPLOYEES**

### **A. GENERAL**

1. Sworn personnel shall enforce laws in a fair and impartial manner.
2. Employees shall not perform any acts, make any statements, disparaging remarks, or engage in any divisive conduct, oral or written, for publication or otherwise, which tend to bring the department or its administrative officers into dispute or ridicule; or which destructively criticizes the department or its administrative officers in the performance of their official duties; or which tends to disrupt or impair the performance of official duties and obligations of the employees of the department, which tend to disrupt morale; or interfere with or subvert the reasonable supervision or proper discipline of supervisory officers of the department.
3. Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department, without approval of the Chief and the District Attorney.
4. Employees shall not solicit or accept, either directly or indirectly, any gift, pass, gratuity, loan or any other thing of value; the acceptance of which could be construed to influence the actions of said employee in a police action or which could cast an adverse reflection on the department or the vocation.
5. Employees shall not solicit or accept, either directly or indirectly, any special privileges by means of their position, badge, or identification card.
6. Employees shall not, for any person's gain or benefit, use their official position to circumvent the criminal justice system or a governmental entity.
7. Employees shall, as soon as is practical, notify the Chief via the chain of command of the circumstances surrounding the employee acting as bailer or facilitating the bail of a person in custody. Employees shall not act as bailers for any person in custody where any fee, gratuity or reward is solicited or accepted.
8. Employees shall not buy, accept, or receive any article for personal disposition from any victim, witness, suspect or prisoner, or from any associate of any suspect or prisoner.
9. When acting in official capacity, employees shall refrain from suggesting or recommending any attorney or bail bondsman to any person.
10. Employees shall not reveal any information in their possession which may enable

anyone to escape detection, arrest or prosecution, or enable anyone to destroy evidence, or destroy or secrete stolen property.

11. Employees shall not make, either verbally or in writing, an unlawful or untruthful report.
12. Employees shall arrange their personal and financial affairs in such a manner that the department need not be contacted.
13. Due to potential conflicts of interest, employees shall not initiate any civil actions arising out of their official duties without notifying the Chief in writing via the chain of command.
14. Employees shall not accept any form of payment for any activity arising out of their official employment except as specifically authorized by the department.
15. Except in accordance with the M.O.U., employees should not conduct personal business while on duty.
16. Employees should not engage in conduct which tends to disrupt the working environment of the office.

B. LEGAL ADVICE

Employees shall not give legal counsel or advice to any citizen. Refer to 6126 Business and Professions Code.

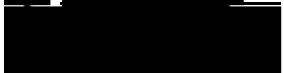
C. SLEEPING AND LOITERING

1. Employees shall remain awake during the time they are on duty. If unable to do so, they shall notify their supervisor who shall determine an appropriate course of action.
2. Employees shall not loiter in taverns, theaters, or other public places while on duty, except in performance of their official duties.
3. Employees shall not read newspapers, periodicals, or similar material in the public view during normal working hours, except in performance of their official duties.

Rev. 2-3-10

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**3003.00**

### **ORGANIZATIONAL AND PERSONAL AFFILIATIONS**

- A. Membership in legitimate local, State and Federal law enforcement associations often contributes to professional and personal growth. Therefore, the department encourages membership in these groups but in no way requires membership for employment or promotional consideration.

EXCEPTION: The employee is assigned as a departmental representative to a group's meetings, conventions or conferences. In such case, the County pursuant to department need and/or M.O.U. guidelines may pay the employee's expenses.

- B. Employees shall not affiliate or associate with any person, organization or group that may exact prior consideration from said employee and prevent them from functioning ethically, legally, properly and promptly for the department, except as provided by the Military and Veteran's Code.

- C. Whether on duty or off duty, no employee will associate or do business with any person or group who are either known organized crime figures or whose general reputation in the law enforcement or intelligence community is that which would give the appearance the employee may be placed in a compromising position.

EXCEPTION: The employee is conducting a criminal or intelligence investigation. However, if this is the case, notification shall be made to an immediate supervisor as soon as practical.

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APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

3004.00

### **OUTSIDE COMMUNITY ACTIVITIES AND VOLUNTEER WORK**

- A. Volunteer work and community activities by employees of this office are encouraged. These efforts not only enhance an employee's community awareness, they can be beneficial for the Department in addition to the employee and the community. While most volunteer activities are incidental in time consumption, others may be very demanding, requiring large amounts of time and energy.
- B. Employment by the District Attorney's Office takes priority over other activities in which an employee may engage outside the workplace and employees shall not allow an outside activity to adversely affect their work performance, the efficient operation of the office, or to compromise the department in any way.
- C. Employees need not secure the permission of the Chief or his designee to engage in volunteer community activities. Before engaging in outside activities, employees should consider the nature of their volunteer activities and identify any area of involvement that might give rise to compromise, conflict of interest, or adverse affect on the employee's position within the office. When an activity may give rise to compromise, conflict of interest, or adverse affect on the employee's position within the office, the employee should avoid the activity unless prior approval for the activity is secured in writing from the Chief through the chain of command.

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APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3005.00**

## **POLITICAL ACTIVITY**

### A. POLICY

It is not the intention of the Bureau of Investigation to restrict an employee's right to work off-duty for political candidates and issues, or to seek public office. However, employees must be cognizant that they are working in a public law enforcement agency headed by an elected official. Employees must remain aware that all political activity must remain completely separate from the District Attorney's Office and no public time or public resources shall be used for any such activity. No endorsements shall be given utilizing the name of the office or office affiliation without the prior approval of the Chief and the District Attorney. Employees are directed to be familiar with all laws relating to conflict of interest and Election Code violations, in particular those areas pertaining to public employees and/or peace officers.

### B. PROCEDURE


1. The Chief shall be notified through the chain of command as soon as reasonably possible when an employee intends to engage in outside political activity or run for political office wherein potential conflicts of interests may occur. Whenever an employee deems there may be a potential conflict, it is advisable that these matters be discussed with the Chief or his designee for both the protection of the employee and the interest of the department.
2. This policy does not prevent an employee from engaging in approved activities when acting as a designated representative of the department in an official capacity, such as working on law enforcement-related legislation, testifying before the legislature or other government bodies on law enforcement issues and legislation, or engaging in a department-approved professional law enforcement association's legislative programs.
3. Employees shall not engage in improper political activity as described in state law. Applicable Govt. Code sections are paraphrased below:
  - a. Govt. Code, Section 3203  
No restriction shall be placed on the political activities of an employee of a local agency except as provided by state law.
  - b. Govt. Code, Section 3204  
An employee shall not use their office, authority, or influence to obtain favor or compensation through a corrupt consideration or condition.
  - c. Govt. Code, Section 3205  
An employee shall not solicit political funds or contributions from fellow employees while in the workplace.

- d. Govt. Code, Section 3206  
An employee shall not participate in political activities while in uniform, or while wearing any official emblem or insignia identifying the person as a District Attorney employee.
- e. Govt. Code, Section 3207  
The department may establish rules and regulations restricting an employee's political activities during working hours or on the work premises.
- f. Govt. Code, Section 3209  
Nothing in the Govt. Code prevents an employee from soliciting or receiving political funds to promote a ballot measure affecting the employee's working conditions. The employer may limit this activity or access to governmental offices during work hours.

Peace officer employees may refer to the Peace Officers Procedural Bill of Rights Act in the California Govt. Code, Chapter 9.7, Sections 3300-3311 for further information.

Rev: 2-24-10

EFFECTIVE DATE: November 15, 1999  
REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3006.00**

## **OUTSIDE EMPLOYMENT OR PRIVATE ENTERPRISE**

### A. PURPOSE

In matters of employment, all members owe allegiance to the County of San Bernardino in the position held and for which salary is received. While it is not the intention of the District Attorney to prevent an employee from earning any outside income or engaging in private business, members of the Bureau are prohibited from engaging in any off-duty employment, activity, or enterprise that is inconsistent, incompatible, or in conflict with their duties or those of the organization (Government Code 1126, et seq).

### B. POLICY

It is the policy of the District Attorney's Office that all outside employment or business activity by employees of the Bureau of Investigation be approved in writing by the Chief.

1. Liability for any worker's compensation claims for injuries received during outside employment is directly upon the employee and the outside employer.
2. Employees of the Bureau of Investigation shall not accept or engage in any outside employment or business which could possibly bring discredit, ridicule or criticism upon the department or could possibly give rise to a conflict of interest with one's official position or duties.
3. Approval may not be granted, or may be revoked, if the employee receives a below standards performance evaluation, or if the outside employment, by its nature, schedule, or extent might impair the employee's efficiency in service to the office. No employee may request permission to engage in outside employment until they have successfully completed the initial employment probationary period.
4. The employee, while engaged in any outside employment, shall not make use of any equipment that is owned or issued by the office, including supplies, identification, vehicles, computers, uniforms or other property. The Chief may make exceptions to this section for those engaged in approved activities, such as teaching criminal justice classes, traffic safety courses, or participating in volunteer activities that are related to law enforcement. Requests for an exception to this section must be made in writing to the Chief.
5. The employee may not engage in any outside employment or business when such employment is prohibited by law.
6. No employee shall engage in off-duty employment while on sick leave or occupational injury status, nor shall an employee engage in such employment

during the same calendar day when using such sick or occupational injury time.

C. PROCEDURE

1. All requests for outside employment or requests to engage in private business must be submitted via memorandum to the Chief, through the chain of command. The Chief or his designee will review the request and either approve or deny the request.
2. Such requests are renewable during the first week of January of each year. It is the employee's responsibility to annually renew the request, in writing, or the permission for employment is considered canceled.
3. All terms and conditions of the outside employment shall be set out in writing and agreed upon by the Chief.

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EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**3007.00**

**INTER AND INTRA-DEPARTMENT RELATIONS**

- A. Employees are charged with the responsibility of fostering and maintaining a high degree of cooperation with others within the department as well as with other public agencies.
- B. Sworn employees shall render aid, assistance and take effective action to protect fellow officers.
- C. When applicable, employees shall remain on their assignment until properly relieved or dismissed by a supervisor.
- D. Employees shall make every effort to adhere to an outside agency's reasonable policies and procedures provided these policies and procedures do not conflict with the policies and procedures of the Bureau of Investigation, the District Attorney's Office or the County of San Bernardino.

Rev. 2-3-10

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3008.00**

## **EQUAL EMPLOYMENT OPPORTUNITY**

### A. POLICY

1. It is the policy of the District Attorney and the Bureau of Investigation that no employee of the department shall be discriminated against on the basis of race, color, religion, sex, age, national origin, ancestry, marital status, sexual orientation, gender presentation, veteran status or physical or mental disability or condition. This policy applies equally to the department's efforts to recruit, select, hire and train.
2. It is our policy to encourage a working environment that propagates a friendly, cooperative relationship between all employees, fully recognizing the value of varied backgrounds and experience.
3. It is our policy to insure that all employment decisions and processes relating to personnel actions are administered in a manner consistent with the principles of EQUAL EMPLOYMENT OPPORTUNITY.
4. It is our policy to comply with the applicable federal and state guidelines and regulations regarding EQUAL EMPLOYMENT OPPORTUNITY.

### B. EQUAL EMPLOYMENT OPPORTUNITY LEGISLATION

Four federal laws and one state law delineate the requirements for complying with employment law requirements for equal employment opportunity. They are as follows:

1. Civil Rights Act of 1964, Title VII

Applies to all employers with 15 or more employees. It bans all discrimination in employment because of race, color, religion, sex, or national origin. It covers all terms and conditions of employment, and holds the employer responsible for discrimination that goes on within the employer's organization. Title VII is administered and enforced by the Equal Employment Opportunity Coordinating Council.

2. Age Discrimination in Employment Act of 1967

Applies to all employees covered by Title VII. It bans discrimination based on age of persons at least 40 years old and less than 65 years old. It is enforced by the Wage and Hour Division of the Department of Labor.

3. Rehabilitation Act of 1973

Bans discrimination based upon physical or mental handicap. It is designed to provide employment opportunities for otherwise qualified handicapped individuals. The Act is enforced by the Department of Labor.

4. Americans with Disabilities Act of 1991

Gives all applicants with existing disabilities further rights and protection from discrimination before decisions are made to extend job offers for positions they have the ability to perform despite their disability.


5. California Fair Employment Practices Act

Like Title VII, this Act prohibits discrimination on the basis of race, religious creed, color, national origin, age, ancestry, physical handicap, medical condition, or sex. It also includes sexual orientation and gender presentation as protected classes. The Act does not limit the right of employers to seek full information about prospective employees or to establish the job performance qualifications they consider essential. The qualifications and standards that are set, however, must be applied equally to all persons. This Act is enforced by the California Fair Employment Practices Commission.

Violations of these laws may be reported to any department supervisor or directly to those agencies responsible for enforcement of the legislation. Department supervisors shall take appropriate action.

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

3009.00

## SEXUAL HARASSMENT

### A. DEFINITION

1. The Equal Employment Opportunity Commission's guidelines on sexual harassment, Paragraph 1604.11, defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature....when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual, or 3) when such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

2. Sexual harassment includes, but is not limited to:
  - a. *Verbal harassment*  
Repeated, unsolicited, derogatory comments or slurs.
  - b. *Physical harassment*  
Physical interference or contact which impedes normal movement when directed at an individual.
  - c. *Visual harassment*  
Derogatory posters, cartoons, or drawings.
  - d. *Sexual harassment*  
Sexual advances which condition an employment benefit in exchange for sexual favors.

### B. POLICY

1. This is a professional office dedicated to serving the community trust. All members in this office are personally responsible for doing their part in creating, maintaining, and enhancing community confidence in the integrity of this institution.
2. All members of the San Bernardino County District Attorney's Office are personally responsible for creating and maintaining a peaceful and professional work environment where cooperation occurs. Such things as verbal hostility, discourtesy, vulgarity and obscenities will not be tolerated in any form because they disrupt the workplace and undermine human dignity.

3. In the interest of promoting a work environment free of discriminatory practices, the administration of the District Attorney's Office deems any act of sexual harassment as unacceptable behavior. It is expected that all employees of the District Attorney's Office will perform their duties and responsibilities in a professional manner at all times. Sexual harassment complaints may be directed to the employee's supervisor, Assistant Chief, Chief, District Attorney, Personnel Officer or any other person with the authority and responsibility to investigate such complaints. Following the chain of command is recommended, but not required, unless the alleged perpetrator of the complaint is in the chain. In this event it is permissible and recommended that the violation be reported to the next highest level of authority.
4. Nothing in this policy is to be construed as to prevent an employee from having an unrestricted and uncompromised avenue of reporting a complaint. Complaints may also be reported to the Personnel Officer, the County Equal Employment Opportunity Division of Human Resources, the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC), if necessary. DFEH is a state agency located at 322 West First Street, #2126, Los Angeles, CA 90012-3112, (213)897-1997. EEOC is a federal agency located at 255 Temple , 4<sup>th</sup> Floor, Los Angeles, CA 90012, (213)894-1000.
5. It is further the policy of the Bureau and the Department that a full investigation of all complaints will be conducted and the appropriate corrective action taken when warranted to ensure compliance. Violations of sexual harassment may result in disciplinary action up to and including termination of employment.
6. Failure on the part of employees or supervisory officers to take the appropriate immediate action regarding discrimination or sexual harassment shall be grounds for disciplinary action.

## C. PROCEDURES

1. Guidelines for employees:
  - a. Employees who feel they have been discriminated against or sexually harassed should take the following step(s):
    - (1) Notify the person that the particular behavior is offensive and unwelcome and it will be reported, or
    - (2) Notify a supervisor, one of the district attorney internal contacts, or an outside agency as soon as practical regarding the behavior. **You need not follow the chain of command.**

Note: An employee who feels they have been sexually harassed is not

required to notify the person that the particular behavior was offensive. The employee can report the behavior directly to a department contact or an outside agency.

- b. Outside agencies include:
  - (1) County of San Bernardino Human Resources Equal Employment Opportunity Division
  - (2) State of California Department of Fair Employment and Housing
  - (3) Federal Equal Employment Opportunity Commission
  - (4) Private counsel
- c. It is the employee's responsibility to bring sexual harassment and/or discrimination complaints to the attention of a supervisor or a contact to ensure proper follow-up. The complaint will be fully and objectively investigated.
- d. Feelings of harassment are the perception of the victim, not the perpetrator. These complaints can include non-District Attorney employees as well, i.e., vendors and the general public.
- e. All records and information relating to investigations of harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process.
- f. An employee will not be subject to retaliatory action or reprisal as a result of filing a formal or an informal complaint or cooperating with the investigation of a complaint.

2. Additional guidelines for managers, supervisors, and internal contacts:

- a. Managers, supervisors, and internal contacts are responsible to act on sexual harassment and/or discrimination incidents where they know or should have known of the incident by nature of their position.
- b. Whether the complaining party requests action or not, the manager, supervisor or internal contact must follow through with the complaint process.
- c. Managers or supervisors who fail to take action or follow the complaint process can and will be disciplined by this office.


- d. Prevention of harassment complaints requires:
    - (1) Exposure of all personnel to updated training and information
    - (2) Taking initial complaints seriously
    - (3) Assuring that all managers, supervisors, and internal contacts take immediate and affirmative action
    - (4) A thorough investigation of each complaint
    - (5) Taking appropriate disciplinary action as required
  - e. Commitment to these prevention measures will send a message to all employees that discrimination and sexual harassment acts are taken seriously and that this conduct will not be tolerated.
3. Examples of improper behavior that would be in violation of this policy include, but are not limited to the following:
- a. Actual or attempted rape or sexual assault
  - b. Unwanted pressure for sexual favors
  - c. Unwanted deliberate touching, leaning over, cornering or pinching
  - c. Unwanted sexual looks or gestures
  - e. Unwanted letters, telephone calls, or materials of a sexual nature
  - f. Unwanted pressure for dates
  - g. Unwanted sexual teasing, jokes, remarks, or questions
  - h. Referring to an adult as a girl, hunk, doll, babe, or honey
  - i. Unwanted whistling at someone
  - j. Unwanted cat calls
  - k. Unwanted sexual comments
  - l. Turning work discussions to sexual topics
  - m. Unwanted sexual innuendoes or stories
  - n. Asking about sexual fantasies, preferences, or history

- o. Unwanted personal questions about social or sexual life
- p. Unwanted sexual comments about a person's clothing, anatomy, or looks
- q. Unwanted kissing sounds, howling, and smacking lips
- r. Telling lies or spreading rumors about a person's personal sex life
- s. Unwanted neck massage
- t. Unwanted touching of an employee's clothing, hair, or body
- u. Unwanted personal gifts
- v. Unwanted hugging, kissing, patting, or stroking
- w. Touching or rubbing oneself sexually around another person

Revised 2-12-1-

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

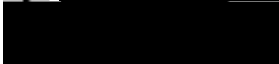
**3010.00**

### **COMMUNITY AND PRESS RELATIONS**

- A. All press releases shall conform to the media policy explained in the District Attorney's Policy and Procedures Manual. The Chief shall be immediately notified of any information that an employee believes should be made public knowledge or could become public knowledge. The Chief will make a response, if necessary, and report such incident to the District Attorney.
- B. All requests for employees to appear in public, as official representatives of the department shall be forwarded through the chain of command to the Chief. The dress shall be appropriate for the occasion.
- C. Employees making public appearances, as at any other time, shall refrain from releasing any information, reports, photographs or other information concerning operations of the department unless authorized by the Chief.
- D. Employees with special assignments are expected to attend any associated regular meetings of task forces and informational meetings, which are held locally. Locations requiring air transportation or overnight stay require prior approval by the appropriate Bureau supervisor.
- E. Employees shall cooperate with all law enforcement agencies, county departments, and public service organizations. Employees may give assistance, aid and information entitled to such organizations at the discretion of the employee.
- F. Employees, when acting on official business, shall identify themselves. If requested, name, badge, or identification card shall be presented. When making an official call, the department business card should be used showing employee's name, rank and assignment. Where the employee feels that such identification may jeopardize the outcome of a police activity, he/she shall be excused.
- G. Employees shall comply whenever possible with requests by citizens for public information. If necessary, they shall direct the citizen to a location where the information may be obtained.
- H. Employees on duty shall be attentive to reports and complaints by citizens. They shall either give them personal attention or refer them to the proper responsible person or agency. Emergency reports or complaints shall take precedence.
- I. Rev. 2-3-10

EFFECTIVE DATE: November 15, 1999

REVISION DATE: June 6, 2016

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**3011.00**

## **DRESS STANDARDS**

### A. POLICY

1. It is the policy of the Bureau of Investigation to foster and maintain the highest standards of professional image, conduct and personal appearance. In order to achieve uniformity and professionalism, Bureau of Investigation personnel shall maintain at all times their personal appearance, in compliance with this policy.
2. Exceptions to this policy may be made for special assignments or other circumstances, and must have the approval of a supervisor.
3. The District Attorney may authorize an exception to this policy by implementing the Summer Dress Attire. Office guidelines to this seasonal dress code are included in this policy.
4. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols or images is prohibited.
5. All clothing and footwear shall be neat, clean, and in good repair.

### B. PROCEDURE

#### 1. SWORN PERSONNEL

##### Male

Standard attire consists of the following:

- a. Option: Suit, dress shirt, and tie.
- b. Option: Dress slacks or business casual slacks, and tucked in dress shirt.
- c. Option: Sports coat and ties.
- d. Option: Uniform Polo – tucked in
  - i. Wearing shirts that contain logos, other than the District Attorney Bureau of Investigation polo described in Uniform Policy 4000.47, is prohibited.
- e. Option: Untucked shirts that meet the following criteria
  - i. Dress shirt type design and fabric
  - ii. Collared short-sleeve only
  - iii. Full button-down front

- iv. Squared-off, flat, hemmed bottom
  - v. Solid color or unobtrusive pattern, without logos, symbols, or images
- f. Whenever possible, suits and ties shall be worn in court, when testifying.
  - g. Footwear shall consist of the following:
    - i. Closed front and back dress shoes
    - ii. Tie or slip-on
    - iii. Uppers to be leather, vinyl, or other material that can be polished. Notched, irregular, sports or lug type soles are not preferred.

## SWORN PERSONNEL

### Female

Standard attire consists of the following:

- a. Option: Business suit consisting of suit jacket, and pants with blouse.
- b. Option: Blouse, dress shirt, or sweater, with dress or business casual slacks.
- c. Option: Blazer
- d. Option: Uniform Polo – tucked in
  - i. Wearing shirts that contain logos, other than the District Attorney Bureau of Investigation polo described in Uniform Policy 4000.47, is prohibited.
- e. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols or images is prohibited.
- f. Footwear shall consist of the following:
  - i. Closed front and back dress shoes
  - ii. Tie or slip-on
  - iii. No back straps
  - iv. Uppers to be leather, vinyl, or other material that can be polished
  - v. Notched, irregular, sports or lug type soles are not preferred
  - vi. Heels not to exceed 1 ½ inch in height
  - vii. Heels not to be less than 1 ½ inch wide
  - viii. Spiked or stiletto type heels are prohibited

## 2. CIVILIAN PERSONNEL

### Investigative Technicians

#### Male

- a. Shall adhere to the County Standards of Dress and Grooming policy 07-16 effective February 6, 2007. Exceptions to this policy may be made for special assignments or other circumstances, and must have the approval of a supervisor. The daily wearing of the Investigative Technician uniform (refer to Uniform Standards policy 4000.47) is acceptable.
- b. Wearing shirts that contain logos, other than the District Attorney Bureau of Investigation polo described in Uniform Policy 4000.47, is prohibited.
- c. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols, or images is prohibited.
- d. Footwear shall consist of the following:
  - i. Closed front and back shoes
  - ii. Tie or slip-on
  - iii. Leather, vinyl, or other material
  - iv. Notched, irregular, sports or lug type soles are allowed
  - v. No sports type shoes, such as tennis shoes, etc.

#### Female

- a. Shall to adhere to the County Standards of Dress and Grooming policy 07-16 effective February 6, 2007. Exceptions to this policy may be made for special assignments or other circumstances, and must have the approval of a supervisor. The daily wearing of the Investigative Technician uniform (refer to Uniform Standards policy 4000.47) is acceptable.
- b. Wearing shirts that contain logos, other than the District Attorney Bureau of Investigation polo described in Uniform Policy 4000.47, is prohibited.
- c. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols, or images is prohibited.
- d. Footwear shall consist of the following:
  - i. Closed front and back
  - ii. Tie or slip-on
  - iii. No back straps
  - iv. Leather, vinyl, or other material.
  - v. Notched, irregular, sports or lug type soles are allowed
  - vi. Heels not to exceed 1 ½ inch in height
  - vii. Heels not to be less than 1 ½ inch wide
  - viii. Spiked or stiletto type heels are prohibited
  - ix. No sports type shoes, such as tennis shoes, etc.

## Office Assistants

### Male

- a. Shall adhere to the County Standards of Dress and Grooming policy 07-16 effective February 6, 2007. Exceptions to this policy may be made for special assignments or other circumstances, and must have the approval of a supervisor.
  
- b. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols, or images is prohibited.
  
- c. Footwear shall consist of the following:
  - vi. Closed front and back shoes
  - vii. Tie or slip-on
  - viii. Leather, vinyl, or other material
  - ix. Notched, irregular, sports or lug type soles are allowed
  - x. No sports type shoes, such as tennis shoes, etc.

### Female

- a. Shall to adhere to the County Standards of Dress and Grooming policy 07-16 effective February 6, 2007. Exceptions to this policy may be made for special assignments or other circumstances, and must have the approval of a supervisor.
  
- b. Wearing shirts that have ornate, or vibrant prints and designs, including logos, symbols, or images is prohibited.
  
- c. Footwear shall consist of the following:
  - ii. Closed front and back
  - iii. Tie or slip-on
  - iv. No back straps
  - v. Leather, vinyl, or other material that can be polished
  - vi. Notched, irregular, sports or lug type soles are allowed
  - vii. Heels not to exceed 1 ½ inch in height
  - viii. Heels not to be less than 1 ½ inch wide
  - ix. Spiked or stiletto type heels are prohibited
  - x. No sports type shoes, such as tennis shoes, etc.

3. Summer Dress Attire

- a. During periods when Summer Dress Attire is authorized through an Interoffice Memorandum describing the guidelines, Bureau personnel may do so in accordance with the County Standards of Dress and Grooming policy 07-16 effective February 6, 2007, excepting that:
  - i. County Standards of Dress and Grooming policy 07-16 effective February 6, 2007 indicates the proper attire is “business clothing”, not “*casual* business clothing”.
  - ii. Wearing of clothing that contains floral, ornate, or vibrant prints and designs, such as Hawaiian type styles, including logos, symbols, or images is prohibited.
  - iii. Footwear shall consist of the following:
    - a) Closed front and back
    - b) Tie or slip-on
    - c) No back straps
    - d) Leather, vinyl, or other material than can be polished
    - e) Notched, irregular, sports or lug type soles are allowed
    - f) Heels not to exceed 1 ½ inch
    - g) Heels not to be less than 1 ½ inch wide
    - h) No spikes, stilettos, or kitten type heels
    - i) No sports type shoes, such as tennis shoes, etc.

Revised May 2016

# INTEROFFICE MEMORANDUM

DATE: June 3, 2016 PHONE: (909) 382-7714

FROM: GARY S. ROTH  
Assistant District Attorney



TO: ALL DISTRICT ATTORNEY PERSONNEL

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SUBJECT: SUMMER DRESS ATTIRE / June 6, 2016 – October 21, 2016

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Effective Monday, June 6th, the District Attorney's Office will convert to the summer dress code. As always, our professional appearance and demeanor in and out of the courtroom is an important aspect of our responsibility to public safety; however, the daily comfort of our staff is also important. We will follow the Board of Supervisors' February 6, 2007 guidelines (County Policy 7-16). Acceptable attire in the Office may include:

- Long or short-sleeved shirts and polo-type shirts open at the collar;
- Short-sleeved or sleeveless dresses, shirts or tops;
- Slacks/trousers in khaki, wool, linen, blends, corduroy, twill, cuffed or un-cuffed;
- Shoes must be neat, clean and in good repair;
- Hosiery is not required;
- Sandals and other shoes without a manufactured back-strap are permitted if safe for the work environment/duties.

Unacceptable attire under the County guidelines is also unacceptable in our Office:

- Denim jeans or coveralls;
- Shorts of any type including skirts, skorts, dresses or jumpsuits that look like shorts;
- Tee shirts or jerseys including those with graphics or logos;
- Rubber/plastic sandals commonly referred to as flip-flops;
- Gym or sweat pants, workout wear or uncovered spandex pants/leggings;
- Dresses or skirts that are mid-thigh length or shorter;
- Shirts or dresses with spaghetti straps, shirts that expose stomach or midriff area, halter or tube type shirts, see-through or fishnet tops;

- Low front or low back attire;
- Tight fitting garments;
- Capri length pants which includes “crop pants”, “pedal pushers” or any other attire that might be considered as such; and
- Athletic style footwear.


The office dress code for court attire remains unchanged by the summer dress guidelines. Professional attire is still required for attorneys, investigators, and advocates in the courtroom. However, attorneys, investigators, and advocates while in the office may follow the summer dress guidelines. For example, an attorney, investigator, or advocate who expects to be assigned to office work for the day may wear summer dress attire, as long as they have suitable courtroom attire immediately available to change into to go to court as required. Due to illnesses and other emergencies, attorneys, investigators, and advocates should always be prepared to go to court.

**These guidelines are effective Monday, June 6th through Friday, October 21st.** I hope that they promote your level of comfort while still maintaining the professional image that is important and necessary to our Office.

**GARY S. ROTH  
ASSISTANT DISTRICT ATTORNEY**

**GSR/gm**

By e-mail

	<b>COUNTY OF SAN BERNARDINO POLICY MANUAL</b>	No. 07-16      ISSUE 2  PAGE 1 OF 4  By                      EFFECTIVE 02-06-07
<b>SUBJECT</b>  <b>STANDARDS OF DRESS AND GROOMING</b>		APPROVED  <p style="text-align: center;"><b>PAUL BIANE</b></p> CHAIRMAN, BOARD OF SUPERVISORS
<p><b>POLICY</b></p> <p>The County of San Bernardino is a professional organization. All employees will present a professional appearance in order to promote a positive image to customers. The general public frequently forms its initial impression of professional credibility solely on employee appearance. The appropriateness of attire as seen by the general public has a bearing on how other agencies and departments view employee professionalism and ultimately working relationships.</p> <p>This policy applies to all employees, regardless of classification, and is consistent with community standards. Individual departments may have more specific policies in place based on needs.</p> <p>An employee's religious beliefs or medical conditions, as defined by applicable law, that require deviation from the standards as set forth will be considered on an individual basis.</p> <p>This policy is intended to provide guidelines on dress and appearance and is not meant to address all situations. There may be differences in some department's or division's dress guidelines depending on the nature of the work environment, nature of work performed, involvement with the public, required uniforms or other circumstances as defined by the department head. These differences, in addition to this general policy may be subject to the meet and confer requirements of Government Code Section 3500 et seq. The standards in this policy apply when an employee has officially reported to work.</p> <p><b>POLICY AMPLIFICATION</b></p> <p>1. <u>Clothing</u></p> <ul style="list-style-type: none"> <li>A. Employees who wear uniforms are expected to report for duty in the departmentally assigned uniform. Uniforms are expected to be clean and pressed. Additional standards are communicated at the departmental level or in bargaining unit MOU's.</li> <li>B. Employees who are not required to wear uniforms are expected to wear business clothing appropriate to the position held. Attire is expected to be clean, pressed and well fitting.</li> <li>C. Acceptable attire for women includes dresses, skirts, capri style suits, or slacks/trousers worn with blouses, sweaters and/or jackets. The length of dresses or skirts should be no shorter than mid-thigh when seated.</li> <li>D. Acceptable attire for men includes suits, slacks/trousers worn with collared shirts, collared sport shirts, dress shirts, polo shirts, sweaters and/or jackets. When deemed appropriate, ties should be worn.</li> <li>E. Except as noted or approved by the department head, employees may <u>not</u> wear the following:             <ul style="list-style-type: none"> <li>(1) Denim jeans of any color.</li> <li>(2) Overalls or coveralls.</li> <li>(3) Shorts of any type.</li> <li>(4) Tee shirts or jerseys with graphics including logos related to team sports.</li> </ul> </li> </ul>		

- (5) Gym or sweat pants, workout wear, uncovered spandex pants/leggings.
- (6) Shirts or dresses with spaghetti straps unless covered by a jacket, blouse or other outer garment; shirts that expose stomach or midriff area, halter or tube type shirts, see-through or fishnet tops.
- (7) Low front or low back attire.
- (8) Excessively tight fitting or oversized (baggy) garments.

This list is an example only and may not include all items deemed inappropriate.

2. Footwear and Accessories

- A. All footwear is expected to be appropriate to the employee's position. Shoes are to be neat, clean and in good repair. Heels should not be more than three inches high. Sandals of any material which are commonly referred to as flip-flops or thongs are prohibited for all employees.
- B. No bandanas or baseball caps are allowed except as approved by the department head.

3. Tattoos and Jewelry

Except as noted or approved by the department head:

- A. Tattoos must be covered.
- B. All jewelry worn by employees must be appropriate so it does not detract from a professional appearance. All facial piercing jewelry such as nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any other facial piercing jewelry is prohibited.

4. Personal Hygiene

- A. Personal hygiene is essential. Therefore it is necessary that all employees maintain a clean, presentable appearance. Personal hygiene includes a regular bath/shower, use of deodorant, and appropriate oral hygiene.
- B. Strong odors caused by perfumes, scented hair sprays, and aftershave lotions can be offensive and are to be used in moderation out of concern for the comfort of others.
- C. Employees are expected to maintain appropriate and professional hairstyles. Beards, sideburns and mustaches must be clean and neatly groomed. Hair must be properly restrained for its length and job assignment. Hair coloring should be within the range of natural hair colors.

5. County Identification

- A. Each employee will have and wear an approved County identification badge at all times while on duty, photo side facing out except where specifically exempted or prohibited by the employee's department due to a safety issue or in cases where wearing an identification badge will interfere with the execution of the employee's duties.

**RESPONSIBILITIES AND PROCEDURES**

1. Each new employee will receive a copy of the policy during orientation. All employees will be required to sign an acknowledgement verifying that the policy has been read and understood. Employees will be allowed up to 120 calendar days from the date of adoption of this policy to become compliant with Policy Amplification, Clothing, E. (1). On a case by case basis, in the event of a financial hardship an employee should contact their department head to request an extension.
2. Supervisors are responsible for explaining and enforcing the dress and appearance policy. Employees who report to duty and are non-compliant with the dress and appearance policy may be sent home to change without compensation. Failure to comply with, and repeated violations of this policy will be cause for disciplinary action up to and including dismissal.
3. Consistent with this policy, exceptions can be made at the department level by the Department Head due to the nature of work, special events, casual Fridays and departmental clean-up days.
4. Issues or disagreements arising out of the enforcement of this and departmental dress and grooming policies shall be reviewed by the department head or designee and/or the department's Human Resources Officer.

Rev. 2/07

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3012.00**

## **INTOXICATION AND DRUG POLICY**

### A. PURPOSE

1. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the County of San Bernardino has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interest of their fellow workers and the public, as well as themselves. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours, are inconsistent with this objective.
2. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program counselor. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.
3. Supervisors are trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated, and disciplinary action, up to and including termination will be used as necessary to achieve this goal.
4. The County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy might result in discipline, up to and including termination, or in not being hired.
5. In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the County.

### B. POLICY

1. It is County policy that employees shall not be under the influence of alcohol or drugs while on duty or on a standby or an on-call status; or consume alcohol when on duty (except in the performance of duty) or illicit drugs while on County property or at work locations or while on duty; or possess controlled substances or prescription drugs without a prescription while on duty. Employees shall not: manufacture, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person while on duty unless

authorized by law, or sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

2. While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify their supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of County equipment can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.
3. The County reserves the right to search, without employee consent, all areas and property in which the County maintains control or joint control with the employee, except the lockers of public safety officers, or other space for storage that may be assigned to public safety officers. No public safety officer shall have their locker or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained or when they have been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the County. The County may notify the appropriate law enforcement agency that an employee may have illegal drugs in their possession or in an area not jointly or fully controlled by the County.
4. Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and may be detained for a reasonable time until they can be safely transported from the work site.
5. The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.
6. The County has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the EAP counselor for additional information.

C. APPLICATION

1. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

C. EMPLOYEE RESPONSIBILITIES AND AS A CONDITION OF EMPLOYMENT AN EMPLOYEE MUST

1. Not report to work or be on a standby or an on-call status while their ability to perform job duties is impaired due to on or off duty alcohol or drug use;
2. Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on County property or while on duty, except in the performance of duty;
3. Not directly or through a third party manufacture, sell, distribute, dispense or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
4. Notify their supervisor before beginning work when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment; and,
5. Notify their supervisor of any criminal arrest or conviction no later than five days after such arrest or conviction.

E. MANAGEMENT RESPONSIBILITIES AND GUIDELINES

1. Managers and supervisors are responsible for reasonable enforcement of this policy.
2. No persons shall physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
3. Managers and supervisors shall notify their department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in their possession or in an area not jointly or fully controlled by the County. If the department head or designee concurs that there is reasonable suspicion of illegal drug possession, the department head shall notify the appropriate law enforcement agency.

F. SUPERSESSSION

1. This policy shall supersede any previous drug and alcohol policy of the Bureau of Investigation. This provision of this policy is not intended to nor is it to be construed to supersede the drug and/or alcohol policy and/or general orders of any department of the County.

G. IN ADDITION, DEPARTMENT EMPLOYEES SHALL COMPLY WITH THE FOLLOWING:

1. Employees shall not drink intoxicating beverages to such an extent they are unable to report for their next tour of duty; or which may result in the commission of an obnoxious or offensive act which may bring discredit or disgrace upon themselves or the department.
2. Employees shall not report for duty when they are intoxicated.
3. Certain exceptions may be made for special assignments such as, but not limited to, undercover narcotics and intelligence investigations with the approval of the Chief or his designee.

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3013.00**

## **DISCIPLINE/GRIEVANCE PROCEDURES**

### **GENERAL**

1. All employees are subject to disciplinary actions. Where it appears reasonable that an employee has violated any local, state or federal law; or rules, regulations or policies of this department and/or the County of San Bernardino, he/she is subject to discipline.
2. Discipline/grievance and appeal procedures will adhere to the individual employee's M.O.U. and, in the case of sworn investigators, the Public Safety Officers Procedural Bill of Rights Act as specified in Sec. 3300 through 3311 of the Govt..Code, Chapter 9.7.
3. In any disputed disciplinary action the Chief is the final authority.
4. All employees shall report violations of rules, regulations, policies, or of local, state or federal law by other members of this division. The report is to be written and directed through the reporting employee's chain of command to the Chief. Employees reporting infractions shall prepare a report detailing the employee involved, the date and time of the infractions and any details of the infractions. This report shall be presented to the reporting employee's immediate supervisor. Supervisors receiving reports concerning infractions by employees of other units shall forward the reports to the Chief through the chain of command.
5. Supervisors initiating any disciplinary action other than an oral admonishment or letter of corrective counseling shall:
  - a. Prepare a report of the incident and recommendation for discipline indicating:
    1. Name of person disciplined
    2. Date and time of infraction
    3. Infraction - law or general order number
    4. Details of infraction
    5. Supervisor's action.
    6. Signature of supervisor and rank

- b. Distribution of report:
  - 1. Copy to the Chief, via chain of command.
  - c. Notify employee being disciplined of intended disciplinary action.
- 6. Immediate disciplinary action may be necessary in emergency situations. This action may be taken by any supervisor concerning any subordinate employee. Action taken shall be limited to:
  - a. Oral reprimand.
  - b. Administrative leave or temporary assignment, consistent with existing law within time of action.
- 7. Immediately after the action is taken, the supervisor shall:
  - a. Notify the Chief via chain of command.
  - b. Follow all required procedures.

**B. DISCIPLINE, DISMISSAL, AND REVIEW**

The following section is specific to the law enforcement unit M.O.U.:

- 1. Each employee who has completed an initial probationary period, and any extension, has permanent status.
- 2. Any of the following acts of an employee who has permanent status shall be good cause for dismissal, demotion, and reduction in compensation, suspension, or any other action taken for disciplinary reasons:
  - a. Dishonesty;
  - b. Incompetence;
  - c. Inefficiency or negligence in performance of duties;
  - d. Neglect of duty;
  - e. Insubordination or willful violation of an employee regulation prescribed by the board of supervisors or the head of the department in which the employee is employed;
  - f. Absence without leave;


- g. Conviction of either a felony, or any offense, misdemeanor or felony, involving moral turpitude, or any offense in connection with or affecting the employee's duties other than minor traffic violations. Conviction means a plea of guilty or nolo contendere or a determination of guilt in a court of competent jurisdiction;
  - h. Discourteous treatment of the public or other employees;
  - i. Political activity in violation of federal or state law;
  - j. Physical or mental unfitness to perform assigned duties;
  - k. Making a material misrepresentation in connection with obtaining or maintaining employment or position;
  - o. Conduct either during or outside of duty hours which adversely affects the employee's job performance or operation of the department in which they are employed;
  - p. Failure to maintain the license, registration, certificate, professional qualifications, education, or eligibility required for the employee's classification when the failure of the employee to maintain such requirements adversely affects the employee's ability to perform their job or the performance of the department. The department shall prescribe procedures to insure that employees affected by the requirements are informed of them.
  - q. Substance abuse in violation of the County of San Bernardino Alcohol and Drug Abuse Policy.
3. Reduction in compensation under this section shall consist only of a change within the salary range from the existing step to a lower step for a specified duration of one or more full pay periods, but not to exceed 13 pay periods.
4. In addition, refer to the individual employee's M.O.U. for the following procedures:
- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| a. Definition of a grievance      | k. Representation                    |
| b. Disciplinary appeal procedures | l. Consolidation                     |
| c. Notice of disciplinary action  | m. Time limitations/<br>notification |
| d. Involuntary leave of absence   | n. Steps                             |
| e. Appeals                        | o. Arbitration                       |
| f. Hearing procedures             | p. Unfair Labor<br>practices         |
| g. Grievance procedures           | q. Equal opportunity<br>compliance   |
| h. Arbitration procedures         |                                      |
| i. Jurisdiction                   |                                      |
| j. Exclusions                     |                                      |

5. Non-sworn law enforcement employees are subject to the discipline, dismissal, and review provisions of the department and their individual bargaining unit's M.O.U.

Revised 01/22/2006

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: July 1, 2005

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**3014.00**

## **COMMENDATIONS**

### A. POLICY

1. It shall be the duty of all employees to furnish the Chief information of a commendatory nature regarding any employee. This information is to be forwarded through the chain of command.

Letters from the public regarding a commendation for an employee shall be handled as outlined above.

Under no circumstances shall an employee solicit or suggest to anyone that a commendation letter be written for their own benefit or enhancement.

### B. TYPES OF COMMENDATIONS (Listed in ascending order of importance)

#### 1. PEER RECOGNITION

A peer may recognize the assistance or achievement of a fellow employee by submitting a memorandum to the supervisor of the employee preparing the documentation. The supervisor will then forward the memorandum up the Chain of Command for presentation to the employee being honored.

All peer recognitions shall be awarded in memorandum format.

A Supervising Investigator may, if the situation warrants it, elevate a peer recognition memorandum to the level of a Supervisor's Citation.

#### 2. SUPERVISOR'S CITATION

Prepared by a Supervising Investigator, a Supervisor's Citation recognizes exceptional performance by staff members through a Supervisor's Citation.

A Supervisor's Citation is a memorandum that outlines the performance of an employee that rises to such a level that it merits such official documentation. The supervisor preparing the memorandum will forward the memorandum up the chain of command for presentation to the employee being honored.

An Assistant Chief may, if the situation warrants it, elevate a Supervisor's Citation to the level of a Chief's Commendation.

3. CHIEF'S COMMENDATION

Issued by the Chief and/or Assistant Chief for an accomplishment or series of acts of a superior nature in the performance of duties.

A Chief's Commendation is a certificate that outlines the acts of an employee that rise to such a level that it merits such official documentation. A Chief's Commendation shall be presented to the employee being honored at an office-sanctioned event.

4. MEDAL OF VALOR

Awarded by the Chief for extraordinary valor above and beyond the call of duty. The Medal of Valor shall be the highest award for a member of the Bureau of Investigation.

The Medal of Valor shall be comprised of a medallion inscribed with the name of the agency and the wording "VALOR" suspended on a ribbon to be worn around the neck. In addition to the medallion, the recipient shall be awarded a certificate outlining the actions that support the awarding of the medal. A Medal of Valor shall be presented to the employee being honored at an office-sanctioned event.

Copies of all commendations shall be kept in the employee's departmental personnel file.

Rev. 4-28-09

## 3015.00

### FIREARMS/AUTHORIZED WEAPONS

#### A. PROCEDURES

##### Authorized Weapons

#### 1. Primary Duty Handgun

##### A. Definition

An investigator's primary duty handgun is the handgun issued, or approved by the Bureau of Investigation for on-duty use.

##### B. Specification

While on duty, investigators shall carry on their person, a primary duty handgun. The issued primary duty handgun is the Glock, Model 19, 9mm caliber pistol. If an investigator chooses to carry a primary duty handgun other than that which is issued, such as a personally owned handgun, the handgun must be a semi-automatic pistol, having a magazine capacity with no less than six rounds. It shall be the responsibility of the investigator to furnish the handgun and all accessories. After inspection by the Bureau of Investigation or Sheriff's range staff, the Chief Investigator or his/her designee must approve any handgun other than the departmentally issued handgun for use. The authorized calibers are the 9mm Parabellum, .40 S&W, and the .45 ACP. The primary duty handgun shall be carried in a holster authorized by the Bureau or Sheriff's range staff and approved by the Chief or his/her designee. In accordance with the Safety Unit M.O.U. and Safety Management M.O.U., the department will issue a duty holster and duty magazine pouch for the departmentally issued duty handgun. Any handgun utilized on-duty, in a holster not issued by the department, shall be carried in a holster which will reasonably secure and safely retain the firearm.

#### 2. Alternate Duty Handgun

##### A. Definition

The alternate duty handgun is an issued or approved handgun carried by the investigator as an alternate choice to their primary

handgun. (i.e., full sized tactical handgun)

B. Specification

Same as primary duty handgun.

C. Due to practical range time allocations and logistical limitations, no more than one alternate duty handgun is permitted.

3. Back-up Handgun

A. Definition

A back-up handgun is a handgun carried on the person of an on-duty investigator for use when the investigator's primary handgun has become unavailable or unserviceable and there is a need for a firearm. The carrying of a back-up handgun is optional.

B. Specification

A handgun capable of being loaded with at least five cartridges in the cylinder or magazine and chamber combined. Such handgun shall be designed to fire the minimum cartridge size of .380 ACP for a semi-automatic pistol and the minimum cartridge size of .38 Special for a revolver. After inspection by the Bureau of Investigation armorer or the San Bernardino County Sheriff's armorer, the Chief Investigator or his/her designee must approve any back-up handguns. It is the responsibility of the investigator to carry their back-up handgun in such a manner that it is secure and unlikely to become dislodged or unintentionally discharged during moderate physical activity such as running, climbing, or struggling with a suspect.

4. Off-Duty Handgun

A. Not required.

The carrying of a weapon while off duty is optional.

B. Definition

An off-duty handgun is a handgun possessed and carried concealed by an investigator while the investigator is not on-duty.

C. Specifications

A handgun capable of being loaded with at least five cartridges in the cylinder or magazine and chamber combined. Such handgun shall be designed to fire the minimum cartridge size of .380 ACP for a semi-automatic pistol and the minimum cartridge size of .38 Special for a revolver. After inspection by the Bureau of Investigation or Sheriff's range staff, the Chief Investigator or his/her designee must approve any off-duty handguns. It is the responsibility of the investigator to carry their off-duty handgun in such a manner that it is secure and unlikely to become dislodged or unintentionally discharged during moderate physical activity such as running, climbing, or struggling with a suspect.

5. Auxiliary Weapons

A. Definition

A shotgun or rifle approved for use by the Bureau of Investigation.

B. Specifications

An investigator, upon successful completion of a shotgun/rifle training course during service at this agency, or having obtained verifiable training during their service with a prior law enforcement agency, may, upon approval of the Chief or his/her designee, carry and use the auxiliary weapons listed below:

1. Shotgun

- a. Departmentally issued Remington Model 870, 12 gauge pump action.
- b. Personally owned Remington Model 870, 12 gauge pump action, in a tactical or law enforcement configuration.

2. Rifles

- a. Departmentally issued Ruger, Mini-14, .223 caliber, semi-automatic rifle
- b. Personally owned Ruger, Mini-14, .223 caliber, semi-automatic rifle.
- c. Personally owned Colt, Bushmaster, Smith & Wesson, LMT, or DPMS AR-15 or M-4 type semi-automatic rifle in .223 (5.56mm NATO) caliber.

- d. Magazines for auxiliary rifles shall be 20 or 30 round capacity, name brand, "Mil-Spec" type only. No after-market magazines shall be used without approval from the Chief Investigator or his/her designee.

C. [REDACTED]

[REDACTED]

D. Deployment

- 1. No other auxiliary weapon is authorized for use by the Bureau of Investigation. Investigators carrying and utilizing authorized auxiliary weapons, whether issued by the Bureau of Investigation, or personally owned, will exercise the utmost care in securing them at all times.
- 2. Each tactical scenario must be evaluated by the investigator, as to whether or not the deployment of these auxiliary weapons is reasonable. Factors such as penetration, distance to target, the use of body armor by suspects, and downrange background are some of the considerations an investigator should evaluate in the deployment of either of these weapons.

6. Special Purpose Weapons

A. Definition

A special purpose weapon is generally deployed for special tactical situations including, but not limited to, witness protection, high-risk search warrants and high-risk apprehensions. Special purpose weapons are to remain in the control of those investigators who have been trained in their operation and who are assigned to the Bureau of Investigation, Special Response Team (SRT).

B. Specifications

- 1. Select fire Heckler and Koch, MP5 series, 9mm submachine-gun.
- 2. Select fire Colt M4.

C. [REDACTED]



7. Oleoresin Capsicum (OC)

A. Definition

A container holding a pressurized inert agent that when the trigger is depressed will emit a stream of liquid Oleoresin Capsicum (OC). OC is a chemical agent used to control or subdue an actively resisting and or violent subject who is resisting arrest or poses a threat of injury to the investigator or other individuals. Except when impractical, investigators are required to carry OC or an approved baton while on duty.

B. Specifications

The District Attorney's Office issues its investigators and investigative technicians Defense Technologies/ Federal Laboratories, Mark 6, shrouded trigger "Stream" 0.18% solution OC. An investigator or investigative technician, upon successful completion of a class in the usage of OC, may carry and use departmentally issued OC. If the individual investigator or investigative technician desires, he or she may obtain, at their own expense, an alternative size canister of Defense Technologies (Def-Tec) OC spray to be used on-duty, with no more than 0.18% OC solution content.

C. Storage

Any OC carried by an investigator or an investigative technician shall only be carried or stored in such a fashion that the trigger will not be accidentally deployed nor the device easily accessible to another.

8. Impact Weapon

A. Definition

A baton utilized to administer defensive or offensive strikes to control or subdue a physically combative or actively resisting suspect. Except when impractical, investigators are required to carry an approved baton or OC while on duty.

B. Specifications

The District Attorney's Office issues its investigators the Rapid Containment Baton (RCB) also known as a "Wilmoth" or "Winchester". An investigator, upon successful completion of a class in the usage of an impact weapon, may carry and use a departmentally issued impact weapon or an ASP Expandable Baton. If the investigator chooses to carry a personally owned RCB baton or an ASP Expandable Baton, it shall be purchased and maintained by the individual investigator. Written approval from the Chief or his/her designee is required prior to carrying an ASP Expandable Baton.

C. [REDACTED]

[REDACTED]

9. Kinetic Energy Impact Weapons

A. Definition

A less lethal ordinance delivery system. An investigator, upon successful completion of a class in the usage of the respective weapon system (listed below) may deploy the weapon system when needed to administer less lethal impacts to control or subdue a physically combative or actively resisting suspect.

B. Specifications

1. Departmentally-issued Def-Tek brand 40mm Projectile Launcher system. An investigator assigned to the SRT, upon successful completion of a class in the usage of this weapon, may deploy this weapon system.
2. Departmentally-issued Modified Remington 870 pump shotgun, fitted with a synthetic stock, yellow in color. The weapon will be capable of firing department-issued Less than Lethal bean bag ammunition, and is intended for that purpose only. It shall be the responsibility of the weapon's operator that only non-lethal ammunition be deployed for use in this weapon. An investigator assigned to the SRT, upon successful completion of a class in the usage of this weapon, may deploy this weapon system.

C. [REDACTED]

[REDACTED]

[REDACTED]

10. Taser

A. Definition

The TASER, a Conducted Electrical Weapon (CEW), uses an electrical current to override a subject's Sensory and Motor Nervous Systems causing temporary Neuro-Muscular Incapacitation (NMI). It is a less lethal device that is used to control violent and actively resisting subjects.

B. Specifications

The District Attorney's Office maintains Taser, Model X2 devices. An investigator, upon successful completion of a class in the usage of the Taser, may deploy this weapon.

C. [REDACTED]

[REDACTED]

11. [REDACTED]

A. [REDACTED]

B. [REDACTED]



12. Authorized Ammunition

- A. Investigators will be issued factory loaded duty ammunition for their departmentally issued duty handgun and any authorized auxiliary weapons. Duty ammunition will be issued once each calendar year. Only issued or departmentally approved ammunition shall be carried on duty.
- B. Investigators, Senior Investigators and Supervising Investigators, while on-duty, shall carry on their person sufficient extra ammunition to fully re-load their duty handgun at least once. In the case of a semiautomatic handgun, this shall be at least one fully loaded standard magazine.
- C. Ammunition for personally-owned handguns being carried on or off duty shall be loaded with rangemaster approved ammunition (meeting the specifications for "duty ammunition"), acquired at the expense of the employee carrying the weapon.

13. Registration Requirements

- A. The information including but not limited to, the brand, model, caliber, and serial number of all firearms carried on and off-duty, whether personally owned or the property of the Bureau of Investigation, will be recorded annually with the Administrative Division's Assistant Chief. It will be the responsibility of the investigator to notify the Administrative Division's Assistant Chief, by written memorandum, of his or her intention to change any firearm carried or used by that investigator. The Chief Investigator will give final authorization.
- B. Qualification with the new firearm will be done at the next scheduled qualification date. Qualification with all firearms carried by an investigator shall be completed before these firearms may be carried.

14. Restrictions

- A. Investigators are restricted from carrying a firearm under the following conditions:
  - 1. While under administrative suspension.

2. While under any medication or drugs prescribed by a doctor, or not, that would preclude any carrying of a firearm, or after consuming an amount of alcohol, that would adversely affect or impair the investigator's senses or judgment.
3. If the investigator has failed to maintain current firearms qualification and no exemption has been granted by the Chief Investigator or his/her designee.
4. Carrying weapons on airlines or interstate common carriers while on-duty requires prior approval by the Chief Investigator or his/her designee through the chain of command. If approved, the Chief or his/her designee will provide authorization to the investigator for that specific purpose through the National Law Enforcement Telecommunication System (NLETS). Any federal or carrier regulations apply.

15. Firearms Maintenance

- A. All firearms carried by an investigator shall be maintained by the investigator in a manner that will insure their safe and reliable operation, by keeping them properly cleaned, lubricated and free from rust at all times. Any firearms related problems or difficulties shall be reported to a rangemaster as soon as possible. Primary responsibility for the care and maintenance of personally owned auxiliary weapons shall be with the investigator who carries the weapon(s).
- B. Modifications that will affect or alter the mechanical operation of the firearm are not to be made to any firearms carried, whether departmentally issued or personally owned, without prior permission from a rangemaster and the Chief Investigator or his/her designee, and subsequent inspection by a rangemaster prior to any use by the investigator. Minor changes at the investigator's expense, such as alternative weapon sights, weapon mounted lights, or grip enhancements (specifically the rubber sleeves used to enlarge a grip's size for a user with larger hands) are not considered modifications that alter the firearm's mechanical operation.

16. Drawing a Firearm

- A. Investigators shall only draw a firearm when they are arresting or attempting to arrest any person(s) who they believe is about to commit, or is in the process of committing, or who has committed a

felony, or in any situation where the investigator reasonably believes there is a likelihood of physical danger to the investigator or other persons.

- B. Except as outlined in this policy, no firearm shall be removed from its holster in a public place or on county property, while on-duty, without the approval of a rangemaster or the Chief Investigator.



- C. The drawing of weapons or removal from a holster during supervised firearms training shall be in accordance with procedures established by the rangemaster.

17. Discharging of a Weapon or Firearm

- A. Target practice at an approved range or other legal shooting area is authorized.
- B. Any investigator of this department shall not discharge a firearm or use other deadly force in the performance of his/her duties except under the following circumstances, and then only after all other reasonable means have failed:
  - 1. In accordance with the Department's stated "Use of Force" policy.
  - 2. To stop a dangerous animal, which is attacking the investigator or other person(s), or which if allowed to escape, presents a danger to the public.
  - 3. When humanity requires the destruction of an animal to save it from further suffering and other disposition is not possible, provided the surroundings are such that destruction would not be a hazard to person(s) or property.
  - 4. To give an alarm or call for assistance in a life-endangering situation when no other means are available.
  - 5. Generally, a member of this department shall not discharge a

warning shot unless reasonably justified by the circumstances.

18. Qualification Requirements

The Bureau of Investigation utilizes the San Bernardino County Sheriff's Range for firearms qualification. While at the range for firearms qualification purposes, staff members will adhere to the Sheriff's Range Safety Rules. The Sheriff's Range Safety Rules are posted on the District Attorney's Intranet site (StarNet) > Divisions > Investigator > Range Safety Rules.

- A. All investigators, senior investigators and supervising investigators are required to participate in the established trimester firearms qualifications. Every investigator must successfully complete the qualification course of fire, with scoring being pass/fail, with their primary duty handgun and also any handgun that may be carried as an alternate duty handgun. An investigator without proper registration and current qualification status with that firearm shall not carry such a firearm. Each investigator, senior investigator and supervising investigator will also qualify on a yearly basis with the department approved auxiliary weapons, (Remington 870 shotgun, Ruger mini-14, or if the Investigator elects to carry it and carrying is approved, a non-departmentally issued .223 rifle as outlined in this policy), as well as with any handgun used exclusively as a backup or an off duty handgun.
- B. If for any reason an investigator is unable to participate in the established trimester Use of Force program, that investigator shall submit a memo to his immediate supervisor clearly stating the reason for being unable to attend.
- C. Range qualification records are maintained by the Sheriff's Use of Force staff, however, the investigator shall forward a copy of the qualification record to the Bureau of Investigation's Training Division after each qualification.

19. Range Rules and Safety

It is each investigator's responsibility to become familiar with the range safety rules and the range procedures related to firearms handling, loading and unloading, etc. Additional information on this topic is available from the Sheriff's Use of Force staff.

20. Reporting Procedure/Firearms Related Incident

The following procedure shall be followed when an investigator of this department discharges a firearm whether on or off duty, except at an approved range or unrestricted area, or displays a firearm while off duty.

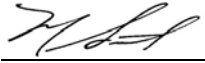
1. When an employee of this Department discharges or displays a firearm under circumstances that could lead to a law enforcement investigation, they shall verbally notify their immediate supervisor without unreasonable delay.
2. The employee who discharged or displayed the firearm shall file a report of the incident with their supervisor as soon as practical. In the case of an officer involved shooting situation, the involved investigator must provide a minimum of a public safety statement.
3. If the employee who discharged or displayed the firearm is hospitalized, seriously injured, fatally injured, or incapable of filing the written report, the employee's supervisor shall, as soon as practical, file as complete a report as possible to the Chief Investigator via the chain of command.
4. The employee's supervisor shall, without delay, verbally notify the Chief Investigator via chain of command of the incident. The Chief Investigator's designee(s) shall personally investigate any firearms discharge or display of a firearm as directed by the Chief Investigator.
5. A written report of the investigation will be forwarded without unreasonable delay to the Chief Investigator via chain of command.

21. Civilian Bureau of Investigation Employees Carrying Firearms

- A. Some members of the Bureau of Investigation are not employed as peace officers for the District Attorney's Office, however they have concealed weapons permits issued by another law enforcement agency.
- B. It is against County policy to carry a firearm during the course of your employment if you are not engaged in duties as a County Peace Officer. Therefore, it is not permissible to carry a loaded firearm during the course of your employment for the District Attorney's Office unless you are a peace officer member (DA Investigator) of the District Attorney's staff.

EFFECTIVE DATE: January 1, 2009

REVISION DATE: October 7, 2014

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

3015.10

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3.

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

4. Unless it would otherwise endanger an investigator's safety, or is impractical due to the totality of the circumstances faced by the investigator deploying a Taser, baton, OC, or other less lethal device, a verbal announcement of the intended use of the weapon should generally precede the application of the specific weapon in order to:

- a. Provide the individual with a reasonable opportunity to voluntarily comply.
- b. Provide other investigators and individuals with a warning that less lethal weapons will be fired or deployed.

5. The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

6. Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, imperviousness to pain, and/or who require protracted physical force to be brought under control may be in a condition sometimes referred to as "Excited Delirium." Such a person may be at an increased risk of sudden death and should be examined by qualified medical personnel as soon as possible. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

7. Any person who receives an injury as a result of use of force action shall be transported to a medical facility for treatment by medical personnel. If the injury is serious or life threatening, emergency medical personnel will be summoned

to the scene. If any such person refuses medical care, such a refusal shall be fully documented in related reports.

D. OLEORESIN CAPSICUM (OC)

1. POLICY

- a. Oleoresin Capsicum (OC) is a chemical agent that is used for the temporary disabling of violent and otherwise resistive subjects.
- b. Except when impractical or prohibited, such as custody facility, investigators, senior investigators and supervising investigators are required to carry either OC or an approved baton while on duty. Investigative Technicians, while on duty, shall carry Oleoresin Capsicum (OC) while performing field duties.
- c. OC will only be used as a defensive control weapon in those circumstances that threaten the immediate safety of an Investigator, other employees, or private citizens. Those instances requiring force, short of deadly force, to subdue and arrest combative persons may justify the use of OC. An Investigator or Investigative Technician who is threatened with attack by an animal is also justified to use OC to repel such an attack. Only OC authorized by the Chief Investigator is approved for use.
- d. The discharge of OC spray, whether intentional or unintentional, by any Investigator or Investigative Technician, for any reason, shall be reported to the employee's supervisor without unreasonable delay. The supervisor shall investigate the circumstances and, if necessary, complete a Use of Force report and a memo detailing the events that will be forwarded to the Chief Investigator via the chain of command.
- e. Use of OC against an animal in the course of performing one's duties does not fall within the meaning of this section for use of force.

2. TREATMENT FOR EXPOSURE

Persons subjected to exposure of OC shall be treated as follows:

- a. As soon as possible after exposure, move the subject to an uncontaminated area exposed to fresh air.
- b. Exposed areas of the body contaminated by OC should be

flushed with water as quickly as possible.

- c. Summon paramedics for treatment and decontamination if symptoms of exposure persist.
- d. Calm the subject by assuring the subject of the temporary nature of the discomfort.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

■ [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

F. HOBBLE RESTRAINT POLICY

1. POLICY

- a. The Hobble is a flexible restraint designed for controlling suspects who give indications of violent resistance or of running. The Hobble restraint shall only be carried out or used by authorized personnel who have received Department approved training.
- b. Subjects shall not be placed in a face down position while restrained with a Hobble device.
- c. Subjects shall be continuously monitored while restrained with a Hobble device.
- d. Officers shall immediately notify a supervisor when a Hobble restraint is used and shall document the details of its use in the arrest report.

## 2. SUPERVISORY RESPONSIBILITY

It is the responsibility of the immediate supervisor to ensure that use of the Hobble is justified and appropriate for the circumstances.

## G. TASER

### 1. POLICY

The TASER is a less lethal device that generally may be used to control violent or potentially violent subjects when:

- a. The subject poses an immediate threat to the safety of a peace officer or other person,
- b. Deadly force does not appear to be justifiable or reasonable; and
- c. There is a reasonable expectation that it would be unsafe for investigators to make physical contact with the subject.

### 2. AVAILABILITY

- a. TASERS will be available to any investigator that has been certified in the use of the TASER. TASERS will be stored in a combination safe at each Bureau of Investigation office when not issued or signed out to a specific investigator. TASERS, when assigned or signed out, and not in an investigators immediate control, will be secured in a locked and alarmed Bureau of Investigations vehicle.

- b. A log will be maintained at each common storage location documenting the date and time of issuance, date and time of return, and the name of the investigator who obtained the TASER.
- c. Investigators obtaining a TASER from a storage location shall complete the log before leaving with the TASER and upon returning the TASER to the combination safe where it was obtained. In those events where exigent circumstances prevent the completion of the log, the investigator will, as soon as practical, complete the log.
- d. Investigators shall return the TASER to the geographic location from which it was obtained at the conclusion of the event or as soon as practical thereafter.
- e. TASER logs are not required of Investigators who are assigned a TASER on a permanent basis.

### 3. DEPLOYMENT

- a. The TASER shall only be issued to and deployed by investigators who have successfully completed Department-approved TASER training. TASER deployment is defined as: anytime a TASER is used to gain compliance of a subject.
- b. The TASER generally shall not be fired in an explosive atmosphere such as found in a clandestine narcotics lab or where accelerants, such as gasoline, are present on the person or in such quantities in the atmosphere that the vapors are readily detectable.

### 4. DEPLOYMENT DOCUMENTATION

Any time a TASER is deployed it shall be reported and documented in the following manner:

- a. TASER deployment, as defined above, shall be reported to the investigator's immediate supervisor as soon as practical.
- b. Investigators shall document in their investigative report when a TASER is utilized.
- c. Investigators shall document by separate memorandum to their immediate supervisor whether the deployment of the TASER had any effect (positive or negative) or influenced the outcome of the

incident in any way.

- d. If a TASER is fired, the investigator's immediate supervisor, or the on scene supervisor, shall document its use on a Use of Force Report in accordance with policy.

#### 5. REMOVAL OF PROBES

- a. Generally, probes imbedded in a subject's skin shall be removed as soon as practical, by either trained Department personnel or by licensed medical personnel.
- b. If the probe is embedded in a sensitive area of the body (i.e. eye, lip, neck, breast, or genital area), licensed medical personnel should accomplish the removal, if applicable.
- c. In the event of a serious injury, immediate medical aid shall be sought.

#### 6. PRE-BOOKING MEDICAL EXAMINATION

- a. Generally, if the subject to which the TASER was applied is to be booked at a Type I or Type II facility, and there are no other medical issues associated with the individual, a pre-booking medical exam is not required.
- b. Similarly, if only contact probes were used during the TASER application, a pre-booking medical exam is not required.

#### 7. SUPERVISOR'S RESPONSIBILITY

It is the responsibility of the supervisor in charge of the situation involving the use of the TASER to determine whether the use was justified and appropriate for the circumstances. The supervisor shall determine if the TASER chaff needs to be collected and make sure that photographs are taken of the subject and any visible injuries. Any Chaff collected and all photographs are to be treated as evidence. The Use of Force Report shall contain the following information:

- a. Subject's actions requiring the use of the TASER.
- b. Effects on the subject.
- c. Names of all officers and witnesses present.

- d. Number of cartridges fired and distance from subject.
- e. Time required to subdue the subject.
- f. Clothing as a factor in the TASER use.
- g. Medical attention provided to subject and officers.

## H. IMPACT WEAPONS

### 1. POLICY

- a. Except when impractical, investigators, senior investigators and supervising investigators are required to carry either OC or an approved baton while on duty. The only approved batons for investigators are:
  - 1. The Wilmoth Expandable Baton (also known as a "Winchester" Baton or RCB)
  - 2. The ASP Expandable Baton - If an investigator elects to carry an ASP Baton, it will be provided and maintained at the investigator's own expense. The ASP Airweight and aluminum models are not included for purposes of this section, and are not authorized to be carried.
- b. A baton may be used when an investigator is faced with a situation in which reasonable force becomes necessary to effect an arrest or defend against aggression, when the investigator believes empty hand methods will not be adequate, and the use of deadly force is not justified.
- c. The use of the baton is an unusual occurrence, and a report of the incident shall be made. It will be the responsibility of any investigator using the baton to:
  - 1. Immediately notify their supervisor of such use and incorporate such use in the investigator's report.
  - 2. Immediately summon medical aid if such use caused injury or rendered the subject unconscious.

## 2. SUPERVISOR'S RESPONSIBILITY

The supervising investigator on scene, or the investigator's immediate supervisor, being made aware of the use of a baton, shall investigate the circumstances and determine if use of the baton was appropriate, and shall complete a Use of Force Report.

### I. KINETIC ENERGY IMPACT WEAPONS

#### 1. POLICY

Kinetic energy impact weapons are less lethal devices that may be used to control violent or potentially violent subjects when:

- a. Attempts to subdue the subject by conventional tactics would likely be ineffective, or;
- b. There is a reasonable expectation that it would be unsafe for officers to get within contact range of the subject.
- c. Investigators must evaluate the circumstances of each situation confronting them. Therefore, the use of less lethal munitions is neither encouraged nor discouraged in deadly force situations.
- d. The option to use less lethal force should not be considered a substitute for deadly force in situations where the application of lethal force is justified.

#### 2. EQUIPMENT

- a. Def-Tek 40mm Projectile Launcher.
- b. Modified Remington 870 pump shotgun (with yellow-colored stock) loaded with less lethal ammunition

#### 3. DEPLOYMENT

Only SRT personnel who have successfully completed a certified course of instruction in its use shall deploy the Def-Tek 40mm Projectile Launcher or the less lethal Remington 870 shotgun, and are authorized to deploy these Kinetic Energy Impact Weapons. Deployment is defined as: anytime the weapon is displayed and appears to have a psychological effect on the subject or situation, or when the weapon is fired.

#### 4. REPORTING

Any time the Def-Tek 40mm Projectile Launcher or modified Remington 870 pump shotgun (with yellow colored stock) loaded with less lethal ammunition is deployed it shall be documented as follows:

- a. The deployment shall be reported in writing to the SRT Commander as soon as possible, unless the SRT Commander is on scene.
- b. The SRT Commander shall document in the after action report whether the deployment had any effect (positive or negative) or influenced the outcome of the incident in any way.
- c. If deployed but not fired, the SRT Commander shall make such notation a part of the after action report.
- d. If fired, the SRT Commander shall make such notation a part of the after action report and document its use on a Use of Force Report.

## 5. MEDICAL TREATMENT

Any time the Def-Tek 40mm Projectile Launcher or modified Remington 870 pump shotgun (with yellow colored stock) loaded with less lethal ammunition is deployed and a person is struck or injured, all personnel on scene shall:

- a. Ensure medical attention is provided as soon as possible.
- b. Ensure that the subject is transported to an approved medical facility, prior to booking, for the following:
  1. Treatment for any injury
  2. Medical release form

## 6. SUPERVISORY RESPONSIBILITY

It is the responsibility of the SRT Commander, or his designee, to determine whether the use was justified and appropriate for the circumstances. The supervisor shall also make sure that photographs are taken of the subject and any visible injuries to the subject, and shall complete a Use of Force Report detailing:

- a. Subject's actions requiring the use of the weapon
- b. Names of all officers and witnesses present

- c. Type of round used, number of rounds fired, and distance from subject
- d. The effects on the subject
- e. Time required to subdue the subject
- f. Clothing as a factor in the effects of the less lethal rounds
- g. Medical attention provided to the subject and/or officers

J. TRAINING

1. The Bureau of Investigation contracts with the San Bernardino County Sheriff's Department to provide trimester use-of-force training in order to ensure proficiency with force options and compliance with regulations adopted by the California Commission on Peace Officer Standards and Training.
2. Sworn members of this agency are required to participate in the Sheriff's Use of Force program, and to demonstrate proficiency in the areas of instruction provided.


K. CONCLUSION

1. The decision to use physical force places tremendous responsibility on the investigator. There is no one capable of advising an investigator how to react in every situation. Ideally, all situations would only require verbalization. While the control of a suspect through advice, warning or persuasion is preferable, the use of physical force to control a suspect is sometimes unavoidable.
2. Investigators must be familiar with the law and policy, and use the amount of force that reasonably appears to be necessary to control a situation as the suspect's resistance increases or decreases. Force should only be used as a reasonable means to obtain secure control of a suspect.

Rev. 10-7-14

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3016.00**

## **DEPARTMENT FACILITIES AND EQUIPMENT**

- A. Department owned materials, property, and equipment shall not be used for personal profit or the profit of others unless approved in advance by the Chief or his/her designee.
- B. Employees using department equipment or property shall be responsible for its proper maintenance and operation.
- C. Employees shall report to their supervisor the damage, loss, or unserviceable condition of any equipment or property issued to them immediately or as soon as is reasonably possible.
- D. Employees may be subject to reimbursement charges and disciplinary action for damage or loss resulting from negligence of any department equipment.
- E. Employees shall not mark, alter, or deface departmental facilities or any departmental equipment, property, or materials.
- F. The Department issues a badge for investigators and technicians, and I.D. cards for official use by investigators, technicians and non-sworn employees. Upon separation from the office, all remaining equipment becomes the property of the District Attorney and shall be turned in to the Chief via chain of command.
- G. Employees shall not use official letterhead stationery for personal correspondence.
- H. Employees shall not use the Department mailing address for private business.
- I. Employees shall not use Department telephones, facsimiles, or computer equipment to conduct private business.
- J. Use of Department facilities for display of personal, commercial, or charitable merchandise.

### 1. POLICY

- a. It shall be the policy of the Bureau of Investigation to restrict the visual display of commercially made products, merchandise or personal items for sale for personal profit in any office or facility of the Bureau of Investigation, except as provided for by this policy.

### 2. PROGRAM

- a. It is the philosophy of the Bureau of Investigation to keep all work areas designated for use by sworn and non-sworn employees of the Bureau of Investigation free of posters, objects, merchandise and commercially made products that are displayed for sale for personal profit that might interfere with the professional image of a law enforcement agency and/or distract and detract from the professional work environment that the Bureau seeks to promote for its employees. It is not the intent or desire of the department to restrict or prohibit the sworn and non-sworn employees of the Bureau of Investigation from participating in personal business activities for profit except as it applies to the use of county facilities and county time to display, market and sell such products.

### 3. PROCEDURE

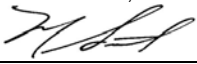
Use of county facilities; display of commercially made products, merchandise, or handmade items for sale for personal profit; display of commercially made products, merchandise or items for sale for charity.

- a. The display of commercially made products, merchandise or handmade items for sale for personal profit shall be restricted to the bulletin board provided for such purpose in the Bureau of Investigation, San Bernardino main office. No object measuring more than 24" square shall be displayed or offered for sale except by way of a photograph or other similar two-dimensional representation that can be attached to the bulletin board. The display of such items in any other work area of the Bureau of Investigation is expressly prohibited.
- b. No employee of the Bureau of Investigation shall buy, sell, market, take orders, make deliveries or otherwise conduct or promote their personal business activities for profit during their regular working hours.
- c. Exceptions to section "a" above may be made for department or association sponsored items or events. Exceptions must be approved, in advance, by the Chief, via chain of command.
- d. The display of commercially made products, merchandise or other items for sale for charity or the benefit a charitable organization shall be permitted in other Bureau work areas as long as such displays do not interfere with the professional image of this law enforcement agency and they do not detract from the professional work environment that the Bureau seeks to promote for it's employees.

Rev. 4-28-09

EFFECTIVE DATE: February 5, 2005

REVISION DATE: June 19, 2015

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**3017.00**

**RETIREMENT IDENTIFICATION**  
**and**  
**CARRY CONCEALED WEAPON CERTIFICATE**

**A. POLICY**

1. It is the department's policy to issue an Identification Certificate to retired district attorney investigators. The design of the retirement Identification Certificate is solely at the discretion of the department within penal code guidelines (25460(c)). The Identification Certificate will indicate whether the retiree is authorized to carry a concealed weapon (CCW) within California after retirement.
2. Authorization to carry a concealed weapon is a privilege and not a right. The department's liability, and safety to the community are of a prime concern and take precedence over the retiree's right to carry a firearm.

**B. QUALIFIED RETIREES**

1. Only "Honorably Retired" investigators who have qualified for and accepted a service or disability retirement will be issued a "CCW Approved" endorsement on their Identification Certificate (CPC 16690).
2. "Honorably Retired" does not include an investigator who has agreed to a service retirement in lieu of termination (CPC 16690).
3. No "CCW Approved" endorsement will be issued to any investigator who has retired because of a psychological disability (CPC 26305).

**C. PROCEDURE**

1. The retiree and the department shall conform to the regulations outlined in [California Penal Code sections 16360, 16690, 25450-25475, 25615-25655, 26300-26325, 16750\(b\), 16840\(b\), 17030, 25850-26025, 26030\(a\)-\(c\), 26035-26055](#), which outline the requirements, conditions, and descriptions of those retirees authorized to carry a concealed weapon (CCW).

2. A retiree Identification Certificate with or without a CCW endorsement expires every 5 years. It is the responsibility of the retiree to petition the department for a renewal at that time.
  - a. During the first step, all qualified retired sworn personnel must complete an Application for Identification Card and/or CCW Endorsement for Qualified Retired Peace Officers, a San Bernardino District Attorney (SBDA) Acknowledgement of Policies and Procedures form, and a Department of Justice (DOJ) Live Scan every five (5) years. Upon submission of the application and acknowledgement form, SBDA will mail the retiree a "Request for Live Scan" letter, along with a pre-paid Live Scan voucher that must be submitted to the San Bernardino County Sheriff's Department (SBSD) upon appearance for a Live Scan. Retirees are responsible to schedule their Live Scan through the SBSB Central Station Records Division by calling (909) 888-5916. If the Retiree does not reside within a convenient proximity to SBSB Headquarters, then the retiree will be required to pay for their own DOJ Live Scan, and make the appropriate arrangements with a law enforcement agency of their choosing. Retirees must also complete and submit the DOJ "Request for Live Scan Service" form when they appear for their Live Scan. SBSB will fill in the form where needed, and the retiree will return the form to the Bureau.
  - b. During the second step, all qualified retired sworn personnel must complete an SBDA weapon(s) qualification every five (5) years. Those retired sworn personnel who wish to carry a concealed and loaded weapon outside of the state of California must complete weapon(s) qualification every year. These requirements meet California State Law, and fulfill the requirement under Federal Law, i.e. the "Law Enforcement Officers Safety Act of 2004" also known as H.R. 218.
  - c. Prior to coming to the SBSB range to qualify, retirees must fill out the required application and complete a Live Scan in order to be cleared through Bureau of Investigation's Administration. Retirees will be contacted within 30 days of their submission of the application via a letter. The letter will contain an approval or denial of the application.
  - d. If the retiree is approved for a CCW endorsement on their ID Card, the letter will contain a list of dates for the retiree to attend the range for qualification. Retirees will not be allowed to qualify with a firearm without first going through the approval process. If a retiree's application for a new CCW endorsement is denied, the letter will state the reason. The retiree is entitled to a good cause hearing as outlined in 26320 P.C.

- e. Retired personnel must qualify by scheduling a date with the Bureau of Investigation's Range staff, if they reside within the County. Each retiree will provide their own ammunition for the qualification. Those retirees residing outside the county or state may qualify at a local law enforcement agency of their choosing. Proof of qualification must be returned to the Bureau of Investigation, and will be maintained within our files.
- f. When applying for, or renewing your ID Card, SBDA must have a new photo on file every five (5) years. You may accomplish this by having a photo taken at SBDA, or you may forward a digital photograph via email attachment to [investigations@sbcda.org](mailto:investigations@sbcda.org). Photographs should be a standard type of ID photo: mid-chest and head, face forward.
- g. Each retiree is responsible for the timely renewal of their ID Card, CCW endorsement, annual range qualification, Live Scan, and the H.R. 218 endorsement (if applicable). Failure to qualify with your weapon(s) may result in the suspension or revocation of the 25465 P.C. CCW endorsement on your retired ID Card.
- h. You may locate the necessary forms on the San Bernardino County District Attorney's website at [www.sbcountyda.org](http://www.sbcountyda.org), in the "Bureau Retirees" section under the Bureau of Investigation heading. Please mail-in or hand deliver the forms to the address listed below.

#### **D. CARRYING A FIREARM OUT OF STATE**

1. With respect to Title 18 United States Code 926C (aka The Law Enforcement Officers Safety Act of 2004 or HR218), qualified, retired investigators of this department may also be authorized to carry a concealed weapon in other states.
2. Qualified retired investigators must comply with the qualification provisions of the Law Enforcement Officers Safety Act of 2004 (HR 218) and maintain those records".

#### **E. DENIAL OR REVOCATION OF STATE CCW ENDORSEMENT**

The department, upon initial retirement of an investigator, or at any time subsequent thereto, may deny or revoke for good cause the retired investigator's privilege to carry a concealed firearm (CPC 26305). Any denial or revocation of an investigators CCW privilege under this section shall also be considered disqualification under Title 18, United States Code 926C(d). The CCW endorsement may be immediately and temporarily revoked by any investigator of supervisory rank when the conduct of a retired investigator compromises public safety.

Good cause includes, but is not limited to the following:

1. Suffering an emotional or nervous disorder.
2. Being legally committed, either voluntarily or involuntarily, to any hospital, mental institution, or other facility for treatment of a mental or emotional disorder or for the use of alcohol, drugs or narcotics; or suffer from an addiction to any or all of the foregoing substances.
3. Committing an act of misconduct, violating any departmental rule, state law, or federal law that if violated by an investigator on active duty would result in that investigator's arrest, suspension or removal from the department. (CPC 26305(b)).

Good cause may be challenged in the following manner:

1. 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 between the parties, shall be held no later than 120 days after the request is received.
2. Prior to revocation of any CCW endorsement, the department shall provide the affected retired investigator 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 (CPC 26312 and 26315).
  - a. The retiree shall have 15 days from the date of service to file a written request for a hearing.
  - b. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
  - c. A retiree who fails to respond to the notice of the hearing shall forfeit his or her right to a hearing and the authority of the retiree to carry a firearm shall be permanently revoked.
3. Any hearing conducted under this section shall be held before a three-member hearing board. One member of the board shall be selected by the agency and one member shall be selected by the retiree or his or her employee organization. The third member shall be selected jointly by the agency and the retiree or his or her employee organization. (CPC 26320).
  - a. Any decision by the board shall be binding on the department and the retiree.
  - b. When a retiree is notified of the revocation of his or her privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting his or her right to a hearing, shall immediately surrender to the department his or her Identification Certificate.

- c. The department shall reissue a new Identification Certificate without a CCW endorsement. However, if the investigator retired prior to January 1, 1981, the department shall stamp on the Identification Certificate "No CCW privilege."

#### Supervisors Responsibility:

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify an investigator of a supervisory rank as soon as practical. The supervisor should take the following steps in these instances:

1. Take appropriate steps to promptly look into the matter.
2. If warranted, contact the retiree in person and advise him/her in writing of the following:
  - a. The retiree's CCW endorsement is immediately and temporarily revoked.
  - b. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.

#### **F. UNAUTHORIZED USE OF CCW**

Authorization to carry a concealed weapon does not apply to any employment, business, or volunteer work the retired investigator may perform. If the activity requires the retiree to be armed, the retired investigator must qualify through means that any other citizen would qualify to be legally armed. If the authorization is used for other employment, volunteer work or business, the authorization to carry a firearm is considered immediately revoked.


#### **G. RECORDS RETENTION**

1. The bureau shall retain the personnel files of all retired or former investigators. Upon retirement and thereafter, the following documents will be kept in the file:
  - a. Copies of all retirement identification documents.
  - b. The retiree's signed statement acknowledging all of the CCW conditions and restrictions for authorization contained herein.
  - c. The retiree's most current address and telephone number. Retirees shall make every effort to keep the department informed of this information.

Rev. 06-19-15

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **December 12, 2005**

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3018.00**

## **EMPLOYEE FRATERNIZATION / NEPOTISM**

### A. POLICY

1. There is no intent by the Department to regulate or control any relationship or social interaction of employees. Employee fraternization is neither illegal nor prohibited by policy. Public perception is an important factor when employees select persons with whom to associate, and employees should be mindful that fraternization amounting to intimate relationships or fraternization beyond that which is normal and reasonable in the routine course of duty is strongly discouraged by the Department.
2. The Department encourages a working environment free of sexual intimidation and/or hostility. (See also sections 400.10 and 400.11) Reasonable restrictions on superior/subordinate relationships may be necessary to accomplish this goal. These restrictions serve to:
  - a. Prevent and avoid situations of actual or potential conflicts of interest between or involving relatives or individuals with close, personal, or intimate relationships.
  - b. Complaints of favoritism or the appearance of favoritism in job assignments, promotions, or discipline.
  - c. Avoid an environment of conduct which is divisive, destructive, or disrupts or impairs the good order and morale of the work place or the operation of the department.
  - d. Avoid situations which may tend to bring the employees and/or supervisory officers into dispute or ridicule.
  - e. Prevent a potentially dangerous situation of divided loyalties in high-risk and/or life-threatening incidents.
  - f. Prevent potential conflicts of interest where employees have access to confidential, internal affairs, or personnel information and files.
  - g. Protect the reputation of the Department in the community.

Such conduct resulting from these relationships is deemed by the Department as unacceptable, insubordinate and subject to disciplinary action.
3. Generally, it is the policy of the Department to preclude relatives from being assigned to the same unit.

## B. DEFINITIONS

### 1. Fraternization

May be described as the interaction and contact between two or more individuals for the purposes of communicating during the normal course of business or for the purpose of socializing. Fraternization is also construed to mean the development of close personal or intimate relationships for the purpose of personal socializing between two or more employees of the department.

### 2. Relatives

Include spouses, children, sisters, brothers, mothers, fathers, grandparents step-parents, step-children, step-brothers and step-sisters. Relatives also include any parent, child, brother or sister of an employee's spouse or two people who reside together or any combination or variation of the above.

## C. PROCEDURE

1. The Department reserves the right to determine whether relationships represent actual or potential conflicts of interest. The Department may take whatever action it determines to be appropriate and lawful to avoid the actual or potential conflicts of interest. Such action may include, but is not necessarily limited to, transfers, reassignments, shift changes, or disciplinary action up to and including possible termination.
2. Any questions regarding this policy or conflicts of interest should be directed through the chain of command to the Chief.

Revised 5-1-09

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

3019.00

## ACCESS TO LAW ENFORCEMENT COMPUTERIZED DATABASES AND PUBLIC RECORDS

### A. POLICY

As members of a law enforcement organization, employees of the District Attorney's Office, Bureau of Investigation, are entrusted with access to the personal information of the general public, which is not readily available to the average citizen. In part, the access to this information comes through the use of public records and the various law enforcement computerized databases available to the District Attorney's Office (CLETS, STAR, CNI, etc.).

In order to ensure the public's continued trust relating to this empowerment, it is imperative that members of the Bureau of Investigation take every reasonable step possible to guarantee the confidentiality of the information gained from any such database. With this in mind, the following guidelines shall be adhered to:

1. Inquiries into the databases available to the District Attorney's Office will be made only in relation to an ongoing criminal investigation, or suspected criminal act. The concept of a right-to-know and a need-to-know will be strictly adhered to.
2. No member of the Bureau of Investigation shall release, or cause to be released, any information gained from any law enforcement database to any unauthorized person or persons without the expressed approval of that member's supervisor. The only persons authorized to receive such information are members of other law enforcement agencies who can demonstrate a right-to-know and a need-to-know the information in question.
3. No member of the Bureau of Investigation shall access any of the law enforcement computerized databases available to the District Attorney's Office to gain information about persons, vehicles, or property for personal reasons that are not in direct relation to the member's duties as an employee of the District Attorney's Office. This includes inquiries for the purpose of determining if an individual has an outstanding arrest warrant, or if a vehicle or property has been reported stolen.
4. The District Attorney's Office has access to private information databases, such as Lexis, Infotech, etc., in order to gain information about members of the general public. The District Attorney's Office pays a subscription fee or an inquiry fee for this service and access. Accessing such databases, or public records that the District Attorney's Office has access to, for reasons other than those in direct relation to the member's duties is equivalent to embezzlement,

as the District Attorney's Office pays a fee for such access and service. Therefore, no member of the Bureau of Investigation shall access any such database or public record for reasons that are not in direct relation to his/her duties with the District Attorney's Office.

Revised 01/22/2006

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3020.00**

## **INVOLVEMENT IN CRIMINAL INCIDENTS**

### A. POLICY

1. Members of the Bureau of Investigation shall not violate any federal statute, state law or local ordinance. If a member of the Bureau of Investigation becomes the suspect of a criminal investigation or is charged with a criminal offense, this creates a potential conflict between the interests of the affected member and the interests and duties of the District Attorney's Office. Such a situation can also cast doubt on the veracity of the affected member and the ability of that member to carry out his/her official duties.
2. Therefore, if a member of the Bureau of Investigation knowingly becomes the suspect of a criminal investigation, or is arrested for, charged with and/or cited for a felony or misdemeanor, he/she shall immediately notify the Chief through the chain of command.
3. To avoid the possibility of a conflict of interest arising, the District Attorney and/or his/her management staff must evaluate the prosecution of criminal offenses in which an employee of the District Attorney's Office is a victim. In cases where there is deemed to be a conflict, the case may be referred to the California State Attorney General's Office for prosecution.
4. Because this evaluation must be made, members of the Bureau of Investigation shall notify the Chief through the chain of command when they become victims of any reported criminal offense.

Revised 01/22/2006

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3021.00**

## **DUTY TO COOPERATE IN CRIMINAL INVESTIGATIONS**

### A. POLICY

1. Investigators of the District Attorney's Office are sworn peace officers and are empowered with police powers 24-hours a day. As such, investigators have a duty to cooperate fully with the lawful criminal investigations of this agency or any other law enforcement agency. This duty extends beyond the investigator's normal work hours into his/her off work hours.
2. Non-sworn members of the Bureau of Investigation shall cooperate in the investigations of this agency and other law enforcement agencies while on duty and are encouraged to cooperate with such investigations during off work hours.
3. In situations where a conflict arises in cooperation, the Chief, via the chain of command, shall be immediately notified.
4. Nothing in this section shall be deemed to abrogate an employee's constitutional rights if the employee is a suspect or defendant in the matter being investigated (see Section 3020.00).

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**3022.00**

## **INVOLVEMENT IN OUTSIDE AGENCY INVESTIGATIONS**

### A. POLICY

1. Relationships between law enforcement agencies are critical to the successful operations of the District Attorney's Office. Fostering positive interaction between agencies is critical to the success of law enforcement's mission and therefore:
  - a. Members of the Bureau of Investigation shall not become involved in or otherwise interfere with the criminal or internal investigations of other law enforcement agencies unless the member's involvement is requested by the investigating agency, the Chief, Assistant Chief or a Supervising Investigator from the Bureau of Investigation authorizes the involvement. This prohibition includes criminal incidents in which the affected member is a victim.
  - b. If a member of the Bureau of Investigation becomes involved in the criminal investigation or internal investigation of another law enforcement agency at the request of that agency, the affected member shall notify the Chief of the Bureau of Investigation of this fact through the chain of command immediately, or as soon thereafter as possible.

Revised 01/22/2006

EFFECTIVE DATE: November 15, 1999  
REVISION DATE: January 22, 2006

APPROVAL   
Mike Smith, *Chief – Bureau of Investigation*

3023.00

## ISSUES INVOLVING THE “BRADY DECISION”

### A. PURPOSE

Brady v. Maryland (1963) 373 U.S. 83, 87 states, in essence, that the prosecution has a due process affirmative duty to disclose to a criminal defendant all material evidence that is favorable to the defense and that is possessed by the prosecution team, even if the defendant does not request it. The prosecution team consists of members of the District Attorney’s Office, members of the investigating law enforcement agency, agencies closely tied to the prosecution and any assisting agencies or persons.

Case law dictates that part of the favorable evidence the prosecution has an affirmative duty to disclose is evidence impeaching a prosecution witness’ credibility. Examples of this type of evidence are: Contrary or conflicting statements, false reports, inaccurate statements or reports, criminal convictions and pending criminal charges (both felonies and misdemeanors), reputation for untruthfulness, drug and alcohol abuse, bias toward the defendant, gang membership, probation or parole status, evidence contradicting the witness statements or reports and misconduct involving moral turpitude. Moral turpitude is defined as a general readiness to do evil. Conduct involving deceit, breach of trust, threats of violence or stealth are examples of conduct that constitutes moral turpitude, but are not exhaustive.

Members of the District Attorney’s Office, Bureau of Investigation play a vital role in the prosecution team, particularly when they are called upon to testify. In order to maintain credibility as a witness and the ability to function in this vital role, it is the duty of every member of the Bureau of Investigation to maintain a high level of credibility and avoid any and all such conduct described above that would tend to discredit them. This must be done both in their professional and personal lives.

If a member of the Bureau of Investigation finds him or herself (either by their actions or the actions of another) in a position where there is evidence that may tend to impeach his/her credibility as a witness, it is the duty of that member to bring this information to the attention of the Chief through the chain of command as soon as possible.

Disclosure of Brady conduct is mandatory even though such disclosure can damage the reputation of the affected member, the Bureau of Investigation and the District Attorney’s office.

Rev. 4-28-09

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: January 22, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**3024.00**

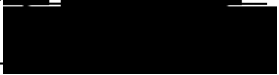
## **DUTY TO BE HONEST**

### A. POLICY

In order to gain and keep the trust, confidence, and respect of the public, all members of the District Attorney's Office, Bureau of Investigation have a duty to be honest in their professional duties and personal lives. No member of the Bureau of Investigation shall make any false statements or misrepresentations involving his/her official duties to any supervisor or member of management of the District Attorney's Office or willingly enter or cause to be entered any inaccurate or false information into any District Attorney's Office record or document, Bureau of Investigation report, a report of another law enforcement agency, any court record or court transcript.

EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 2, 2006

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3025.00**

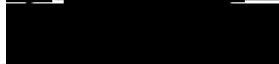
### **RELATIONS WITH MEMBERS OF THE PUBLIC**

- A. In the normal course of completing their duties, employees of the District Attorney's Office, Bureau of Investigation come in contact with members of the public on a routine basis. In order to gain and keep the trust and respect of the public, it is expected that employees of the Bureau of Investigation treat all members of the public with whom they come into contact with dignity and respect.
  
- B. Although it is not the intent of the District Attorney's Office, Bureau of Investigation, to regulate or control personal relationships or the social interaction of its employees. However, developing a financial, intimate or romantic relationship with a member of the public that is initiated as a result of a professional on-duty contact (i.e. victims and witnesses) is inappropriate. Therefore, such relationships are forbidden during the time when the case involving the member of the public in question is being investigated or prosecuted by the District Attorney's Office.
  
- C. If an employee of the District Attorney's Office, Bureau of Investigation becomes involved in a relationship that could embarrass or discredit the Office (as described in this policy), the involved employee is expected to bring the relationship to the attention of their supervisor.

Rev. 4-29-09

EFFECTIVE DATE: January 31, 2007


REVISION DATE: May 8, 2007

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**3026.00**

**TREATING OTHERS WITH DIGNITY & RESPECT**

- A. Every employee of our organization is expected to treat members of this department, members of other agencies, and members of the public with dignity and respect. The conduct that an employee exhibits sets the tone for working relationships, and can either enhance or damage both new and long-standing relationships (personal and departmental), depending on how we treat others.
  
- B. Every member of this department is an ambassador to other agencies as well as to the community at large. Regardless of whether an employee is at work or away, their conduct reflects on the District Attorney's Office. It is therefore incumbent on every member of this department to treat all others with whom we come into contact with dignity and respect.

EFFECTIVE DATE:	<u>January 31, 2007</u>
REVISION DATE:	<u>May 8, 2007</u>
APPROVAL:	
	Mike Smith, <i>Chief – Bureau of Investigation</i>

3027.00

## EMPLOYEE ATTENDANCE

### A. Overtime

1. In accordance with MOU provisions and the Fair Labor Standards Act, management has the right to control overtime in order to facilitate operations. According to the Employees' MOU provisions and the Fair Labor Standards Act, employees have the right to be fairly compensated for time worked in excess of their standard shift.
2. It is the policy of the District Attorney's Office to ensure proper coverage for all areas of operation in order to minimize any overtime worked by departmental employees. All supervisors and managers, to the extent possible, will schedule time off and develop work schedules that afford the department the greatest coverage possible, while limiting the amount of overtime incurred.
3. Before an employee works any overtime, a supervisor must approve such overtime.
4. Supervisors have the right to pre-determine the compensation method for overtime, provided the overtime is announced in advance of the assignment, and the employee agrees to the compensation proposed. For example, a supervisor who needs an employee to remain after hours to perform a filing function or security detail, may ask for volunteers to work the assignment and let the staff members know in advance the proposed method of payment is compensatory time. Any employee who agrees to work for the compensatory time, will be compensated at one and one-half times comp time earned. If there is no volunteer for the assignment, and an employee is selected to perform the overtime assignment, the selected employee has the option of being compensated by either compensatory time or by paid overtime. The type of compensation is entirely at the discretion of the employee, and the supervisor or manager making the overtime order may not influence the employee to elect a certain type of compensation.
5. In situations where an employee is placed in a predicament where the prior overtime approval could not be obtained, as the overtime was unforeseen, the employee must notify his/her supervisor as soon as having to work overtime becomes imminent. In these circumstances, the employee has the right to determine the type of compensation they desire. An example of such a scenario would be an Investigative Technician transporting a witness to the airport after the witness left court at 5:00 p.m., when the witness was expected to leave court at 3:00 p.m.

## **B. Leave Requests**

1. It is the responsibility of the employee to properly complete leave requests for time off. The employee shall anticipate the use of leave as far in advance as practical so that supervisors can plan staffing schedules accordingly.
2. The department has the right to deny the usage of personal leave time (vacation, compensatory time, administrative time, etc.) if granting such leave places an unreasonable burden on the department and negatively impacts on the department's ability to adequately staff operations.
3. Mindful that leave without pay generally requires extraordinary circumstances and pre-approval, employees are responsible for ensuring their leave banks have sufficient time in them to cover the leave requested.

## **C. Modified Duty Assignments**

1. The District Attorney's Bureau of Investigation does not have any permanent "modified duty" assignments. Employees who are injured (either on or off duty) or who undergo medical treatment and are in a state of recuperation may request accommodation to return to work with a modified duty assignment. If the department can reasonably accommodate the request for a temporary modified duty assignment, such an accommodation may be arranged.
2. Allowing an employee to return to the workplace in a productive assignment assists in the healing process and increases the employee's morale. To facilitate a rapid return to work, the County has a coordinator for light duty assignments. If the duration of the light duty assignment will exceed six weeks, the coordinator will be contacted to ensure compliance with the county's light duty policies.

## **D. Sick Leave**

- E. Employees receive eighty hours of sick leave per year. This sick leave is placed into a bank for use in the event of medical conditions that require the employee be absent from the work place.
- F. The goal of sick leave is to ensure our employees have a bank of time, from which to be compensated, should they fall ill or require medical procedures that keep them from performing their functions at work.
- G. Employees are required to call and notify their supervisor, or another person in authority if the supervisor is unavailable, that they are unable to come into work due to an illness. In order to ensure proper coverage is obtained, the employee is required to personally speak with their supervisor, and not leave an e-mail or voicemail notification.

- H. Employees are encouraged to use one of their regularly scheduled days off for attendance at a routine physician's or medical professional's appointment.
- I. If an employee is absent for more than three days of work due to an illness or injury, the employee is required to obtain an off-work order from their health care provider. If a supervisor has a concern about the employee's fitness to return to duty after such an absence, the supervisor may require the employee to visit the County Wellness Center for a medical examination authorizing the employee to return to work PRIOR to the employee's actual return to work.
- J. If an employee is sick or injured and desires to return to work with restrictions imposed by their health care provider, a supervisor will require the employee to visit the County Wellness Center for approval of the restrictions PRIOR to the employee's return to work.
- K. In accordance with the employee's MOU provisions, non-work related illnesses or injuries requiring a visit to the County Wellness Center are required to be debited against an employee's leave bank.

#### **1. Guidelines for Demanding Physician's Note**

- Generally, absent extraordinary circumstances and specific articulable facts that include a history of abuse, supervisors should not demand a physician's note for employees who are off work with an illness. If a supervisor believes an employee is misusing sick leave, the supervisor shall contact and work with the department's Human Resource Officer to develop a plan to address the alleged sick leave abuse.
- Employees are required to state, with specificity, the nature of the illness that required them to be away from work. If the reason for the absence is something that requires a physician's release, the employee may not return to work until such time as the employee delivers to his/her supervisor a written return to work order from the employee's physician.

#### **2. Health Insurance Plan Portability Act**

1. The Health Insurance Plan Portability Act (HIPPA) requires that information regarding an employee's medical history be safeguarded. For this reason, no supervisor will retain medical information in any supervisor's file. All information regarding an employee's medical condition will be forwarded via the chain of command to the departmental payroll clerk's office for maintenance in a secure employee file.

### 3. Family Medical Leave Act and California Family Rights Act

1. A supervisor may designate extended or intermittent leave as FMLA (Family Medical Leave Act) and/or CFRA (California Family Rights Act) leave in accordance with federal and state laws. These laws are there to protect the employee's job and employer-paid benefits while the employee is out on a qualified leave of absence.
2. A *Request for Extended Sick and Special Leave (RESSL)* form shall be completed in such instances requesting an extended leave for the employee's own serious health condition, the serious health condition of the employee's child, spouse, domestic partner, or parent, or for the birth or adoption of a child. Leave for any of these reasons qualifies as FMLA and/or CFRA Leave.
3. A "serious health condition" for a family member requires either:
  - a. Hospitalization; or
  - b. Any period of incapacity of more than three successive work days that involves continuing treatment by a health care provider; or
  - c. Any health condition that if left untreated would result in a period of incapacity of at least three days (including chronic conditions); or
  - d. For prenatal care.
4. The definition of a "serious health condition" is the same for an employee with the addition that it must prevent the employee from performing the functions of his/her position.
5. If the reason for the leave meets the above criteria and the employee meets the eligibility requirements, the employee's leave will be counted as FMLA and/or CFRA. This does not impact how or if the employee is paid during their leave. The employee is still required to complete the necessary paperwork to receive sick pay and/or disability, if eligible. A departmental payroll clerk will send formal notification to the employee indicating the dates covered, what entitlement their leave counts against, their eligibility, and if there is any additional information required.
6. When requesting FMLA and/or CFRA, if the employee has not already done so, the employee should have their health care provider complete a Health Care Provider Certification form and return it to the department's payroll clerk within 15 days. If this information is not received within 15 days, the employee's leave may be denied.
7. Additional information is available by obtaining the FMLA and Pregnancy Supplemental Brochures from a departmental payroll clerk. Employees who have additional questions should call a departmental payroll clerk.

#### **4. Release Time for Labor Activities**

1. Employees may be granted release time for labor activities in accordance with the provisions of the employee's MOU agreement.
2. Generally, the District Attorney's Office does not grant employees the use of on-duty release time for labor activities.
3. When operations can continue without incurring overtime to cover an employee's assignments, employees may use personal leave time to attend to labor activities.
4. If an employee has a question about granting release time for labor activities, they should contact their supervisor or the department's Human Resource Officer for assistance.


Rev. 4-28-09

3028.00

### **EMPLOYEE ASSISTANCE PROGRAM**

- A. To aid employees, the County's Human Resource Department has developed an Employee Assistance Program (EAP). EAP is a free, confidential counseling and referral service designed to help employees and their household members resolve personal problems which may be interfering with work or home life. The program features a toll free phone number for crisis calls, available 24 hours a day, 7 days a week. Employees and their household members are provided with 3 free sessions per problem area, per year. Telephone counseling services can be provided if an employee is unavailable for face-to-face counseling.
- B. To request assistance, call the 24 Hour telephone number at (800) 777-9276, or visit the EAP (MHN) website at <http://www.members.mhn.com/>. The access code is "cosb".
- C. Employees can learn more about EAP by visiting the County website at <http://countyline/hr/ehap/eap.htm>.

Revised: 03/16/2007

EFFECTIVE DATE:	<u>January 31, 2007</u>
REVISION DATE:	<u>May 8, 2007</u>
APPROVAL:	
	Mike Smith, <i>Chief – Bureau of Investigation</i>

**3029.00**

**COUNTY PERSONNEL RULES**

- A. The County Personnel Rules are enumerated by a code that establishes the standards of conduct required of all public officials and employees for the proper operation of County government and has the force of law. These standards are intended to strengthen public service and to maintain and promote faith and confidence of the people in their government.
- B. All Bureau of Investigation employees are expected to familiarize themselves with, and conduct themselves in accordance with the County Personnel Rules.
- C. A complete copy of the personnel rules is available on-line by visiting this website:

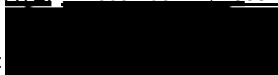
[http://countyline/hr/employeerelations/content/Personnel Rules Revised 08-22-06.pdf](http://countyline/hr/employeerelations/content/Personnel_Rules_Revised_08-22-06.pdf)

**OPERATIONAL POLICY & PROCEDURE**

**4000**

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.01**

## **OPENING INITIAL AND SPECIAL INVESTIGATIONS**

### A. POLICY

1. The District Attorney has authority by constitutional, statute, and case law to investigate any crime occurring within his jurisdiction. Generally, that power to investigate will be limited to instances as outlined in this policy with the District Attorney remaining the final authority.

The Assistant District Attorney, his designee, or the Chief of the Bureau of Investigation or his designee are authorized to open initial, special, or joint investigations within the guidelines of this policy and procedure.

2. It is the policy of the District Attorney that any investigation involving another law enforcement agency, county department, municipal agency or branch of local government shall only be conducted with the knowledge, cooperation, request and express consent of the chief, department head, administrator or designee of the agency concerned. Exceptions can be made on a case-by-case basis. Examples include instances of criminal corruption where the administration of that entity or agency is involved and their inclusion or notification would jeopardize the investigation or when assisting the Grand Jury where all investigations are confidential.
3. Except under the foregoing criteria, the District Attorney does not conduct covert investigations of other agencies.

### B. PURPOSE

The purpose herein is to maintain and insure the trust, integrity, confidence and cooperation of the public, all law enforcement agencies and local government, as well as to provide operational guidelines for all such investigations.

### C. PROCEDURE

1. Investigative Conduct
  - a. Conduct of investigative staff at the scene of an investigation, while assisting another agency or during any independent investigation shall be of the highest standards of professional courtesy, cooperation and support.
  - b. District Attorney Investigators and investigative staff shall not interfere with, investigate or make inquiries into another agency's investigation

under any circumstances unless by official assignment or when requested to assist the agency by a representative authorized to make such a request (case agent, supervisor, department head or their designee).

## 2. INITIAL INVESTIGATIONS

- a. The central mission and goals of the District Attorney's Bureau of Investigation are trial preparation and investigation of cases already submitted to the District Attorney for filing.
- b. Generally, the District Attorney and the Bureau of Investigation do not conduct initial investigations of routine criminal matters normally handled by local law enforcement agencies except those handled by the non-trial preparation/specialty units.
- c. The Chief may authorize initial investigations when other agencies or departments are unable to investigate due to a conflict of interest, lack of expertise in a specialized field, shortage of personnel, shortage of equipment, when the best interest of justice and the District Attorney's Office would be served, or at the request of the District Attorney or his designee.
- d. Initial investigations may be routinely undertaken by investigators assigned to specialized units designed to conduct such investigations (such as Auto Insurance Fraud, Real Estate Fraud, etc.) without having to obtain authorization as detailed in 2.c. above, provided the nature of the investigation is something which the unit is established to investigate. Investigations conducted in accordance with this section shall comply with all other policies established by the Bureau.
- e. Nothing in this policy or procedure is construed to prevent an investigator from exercising his/her best judgment in assisting another agency in exigent or emergency circumstances when all reasonable means to secure authorization or contact their supervisor has failed.

## 3. REQUEST FOR INVESTIGATION

- a. Formal requests for investigative assistance in criminal matters involving another agency shall be requested by the agency chief, department head or his/her designee in writing directed to the District Attorney or Chief of the Bureau of Investigation as expeditiously as possible, with the exception of exigent or emergency circumstances whereby a verbal request by the agency head or his designee may be honored with a written request to follow.

- b. All requests, written or verbal, are subject to approval by the District Attorney, his/her designee or the Chief.

#### 4. SPECIAL INVESTIGATIONS

- a. Special investigations shall not be conducted or initiated without the express approval of the District Attorney, his/her designee, or the Chief. The District Attorney may, however, at his discretion, investigate any matters in any jurisdiction to which criminal or civil penalties apply. His authority in this regard is unlimited and discretionary.
- b. In all cases, when an initial investigation in another agency's jurisdiction is deemed necessary by the District Attorney via his Bureau of Investigation, it is the policy of the District Attorney that the agency shall be informed and afforded the opportunity to participate in or handle the investigation prior to the development of such investigation, unless there is an exception made pursuant to 4000.1, A, 2 of this manual.
- c. In matters where an agency relinquishes, refuses, defers or acquiesces responsibility, the District Attorney may opt to conduct initial investigations at his discretion.

#### 5. JOINT INVESTIGATIONS - RESPONSIBILITY

- a. Generally, in cases where investigative assistance is provided by the District Attorney to another agency or entity, investigations shall be conducted jointly with the requesting agency through or with a designated representative of that agency.
- b. The requesting agency will retain responsibility and authority over the investigation unless the agency consents to the District Attorney taking responsibility or an exception listed in 4000.1A2 exists.
- c. The independence and impartiality of determining criminal involvement and prosecution is the sole and final authority of the District Attorney or his designee.
- d. Units engaged in conducting primary investigations (such as Insurance Fraud, Real Estate Fraud, etc.) may assume the role of lead agency in a joint investigation as the situation dictates. Any joint investigation undertaken shall immediately be reported to the Assistant Chief, via the investigator's chain of command.
- e. No one may institute criminal proceedings without the concurrence and approval of the District Attorney. (Govt. Code 26500 and 26501)

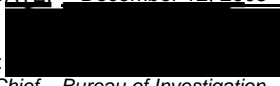
6. APPLICANTS FOR CERTIFICATES OF REHABILITATION AND PARDON

- a. As set forth in Section 4852.01 and other related sections of the Penal Code, and more specifically, Section 4852.12 and 4852.14, the District Attorney is required to make an investigation and file certain reports and recommendations regarding applicants. Bureau supervision will assign an Investigator/Investigative Technician to investigate and make all reports regarding the applicant
- b. Investigators will familiarize themselves with these sections of the Penal Code and may be required to follow a procedure for investigation and report writing.

Rev. 4-28-09

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.02**

## **CONFIDENTIALITY OF INFORMATION**

### A. POLICY

1. Employees shall not disclose or allow access to information contained in, or obtained from, local computerized Law and Justice Information Systems, records maintained by the State Department of Justice, or material, documents and information from the Federal Bureau of Investigation or any other agency of the State or Federal government, unless such disclosure or access is authorized by law.
2. Employees shall not divulge departmental information, informant identity, reports, photographs, or other confidential or sensitive information both on-duty and off-duty except as required in the performance of their official duties.
3. Pursuant to Penal Code Section 11142 and Evidence Code Section 1040, employees shall not knowingly permit the misuse of any criminal justice or law enforcement information for their own personal interest or that of another.
4. Employees may provide the information, reports and photographs prescribed by law and department policy to bona fide regularly employed peace officers or investigators of the U.S. Government, foreign government officers from any state, the State of California, local police, or sheriffs for inspection in the course of their investigations.

Revised 12/12/2005

EFFECTIVE DATE: February 10, 2012

REVISION DATE: February 10, 2012

APPROVAL: 

Mike Smith, *Chief – Bureau of Investigation*

## 4000.03

### REPORT WRITING

#### A. DEFINITION:

1. A report is a permanent written record that contains facts and information related to events, which can then be described through that report in the future.
2. A report should be written in order to achieve the following objectives:
  - a. To provide a permanent official record which describes the facts and information obtained in the course of the investigation.
  - b. To provide other investigators with information necessary to further advance the investigation.
  - c. To provide a statement of facts and information on which designated authorities may base a criminal, corrective or disciplinary action.

#### B. BUREAU OF INVESTIGATION CRIME REPORT FORMS

1. “Investigative Report” form (CR1) – Should be used to report investigations initiated by the Bureau of Investigation. It includes suspect information (suspect number one and suspect number two).
2. “Narrative/Supplemental Report” form (CR2) – Should be used to document supplemental and follow-up investigations, including statements of suspects and involved parties. Only the name and ID code of involved parties (V-Victim, W-Witness, IP-Involved Party, RP-Reporting Person or P-Parent) should appear on the form. Addresses and other identifying information should appear on the “Victims/Witnesses” form (CR3).
3. “Victims/Witnesses” form (CR3) – Should be used to list the name, addresses and other identifying information of involved parties.
4. “Additional Suspects” form (CR4) – Should be used to list additional suspects not listed on the “Investigative Report” form (CR1).
5. “Evidence/Property Report” form (CR5) – Should be used to list and describe evidence/property seized or taken into custody when the “Property Inventory & Receipt” form does not sufficiently do so (i.e. Return to Search Warrant).
6. “Interview Report” form (CR6) – Should be used to report an interview and document the statement of an involved party when no additional supplemental investigation is required, or when the interview is not part of a criminal investigation (i.e. Application

for Pardon/Rehabilitation investigation). Only the name and ID code of the involved party should appear on the form. Addresses and other identifying information should appear on the "Victims/Witnesses" form (CR3).


7. "Property Inventory & Receipt" form (original with three NCR copies) – Should be used to list and describe evidence/property seized or taken into custody and provide a receipt to the party from whom the evidence/property was taken or received. The report should be processed as follows:
  - a. Original - White (top copy) – Affixed to the exterior of the package containing evidence/property (envelope or Banker's box), to be removed and processed by the Property Investigative Technician.
  - b. Yellow (2<sup>nd</sup> copy) – Placed inside the package containing evidence/property (envelope or Banker's box).
  - c. Pink (3<sup>rd</sup> copy) – Attached with report(s).
  - d. Goldenrod (last copy) – Given to the party from whom the evidence/property was taken or received or, in the case of a search warrant and no party is present, left at the location. Otherwise, the goldenrod copy should be attached with the pink copy.

### **C. OTHER BUREAU OF INVESTIGATION FORMS**

1. Other Bureau of Investigation forms are self explanatory and should be used accordingly. They include the following:
  - a. Administrative Forms
  - b. Investigation Report Forms
  - c. Juvenile Forms
  - d. Search Warrant Forms

EFFECTIVE DATE: February 10, 2012

REVISION DATE: February 10, 2012

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**4000.04**

## **INITIATING CASES/REPORT**

### **A. OPENING CASES**

When an investigator determines that an incident or crime has occurred which falls within the jurisdiction of the Bureau, or circumstances exist which mandate reporting, investigative staff shall initiate a report and open a case following the below listed procedures. These circumstances may include, but are not limited to, criminal investigations, administrative investigations, arrests, search warrant service, interviews, evidence collection and any supplemental case follow-up.

### **B. DRAWING A BUREAU OF INVESTIGATION CASE NUMBER**

A case number shall be drawn when a report is generated. The case number will be obtained by contacting appropriate Bureau of Investigation personnel. The case number will be listed on all related reports as a means of locating and tracking the incident. Effort should be made to determine if a case number associated with the incident was previously drawn before drawing a new case number.

### **C. CASE NUMBERING FORMAT**

Example: **2012-01-001 CE**

Meaning:

**2012** - Will indicate the year in which the case number was drawn.

**01** - Will indicate the month in which the case number was drawn.

**001** - Will indicate the sequential case number for the year.

**CE** - Suffixes will identify the unit where the report originated (i.e. Central-CE, Victorville-VV).

### **D. REPORT PREPARATION**

All reports shall be completed within ten (10) working days after the information is developed, or other investigative activity takes place. Additional time may be granted by the concerned supervisor if required. The supervisor shall be responsible for ensuring timely report writing and case completion.

### **E. SUPERVISOR'S REVIEW**

All original reports and documents generated by investigative staff shall be forwarded to the appropriate supervisor for review and approval. The supervisor shall check for essential information, clarity and legibility. The review shall consist of a deliberate, critical evaluation

of the material. When a deficiency is noted, the supervisor shall have the employee make the appropriate corrections. When approved, the supervisor shall sign off the report and indicate the date reviewed.

## **F. REPORT PROCESSING**

Once a report has been approved by a supervisor, the supervisor shall ensure that the report is forwarded to the intake clerk at Bureau of Investigation Central Records. The intake clerk will log in the report as being received, electronically scan the report and file the report in the Bureau of Investigation Central Records file room. Supervisors' reports shall be forwarded to the Assistant Chief of Operations or, in his absence, the Assistant Chief of Administration, for review and approval. The reports will then be forwarded to the Central Records intake clerk for processing.

## **G. RELEASE OF REPORTS TO THE PUBLIC**


Bureau of Investigation reports generally shall not be released to the public without the approval of the Chief Investigator or designee.

## **H. CASE TRACKING**

The intake clerk will disseminate a list of case numbers drawn by investigative staff to each supervisor on a monthly basis. Supervisors will use this document to reconcile the status of cases, monitor case progress and ensure all reports are written and submitted in a timely manner. Supervisors are also responsible for tracking and reviewing all supplemental reports pertaining to any additional investigation, interviews, search warrants, arrests, or any other documents that may be completed after the initial report was submitted, reviewed and filed.

## **I. FILING COMPLAINT**

A member of the Bureau who submits a case to a Deputy District Attorney for the issuance of a criminal complaint shall be governed by the same rules as any law enforcement agency seeking a complaint. Cases are generally filed in that office of the District Attorney that has jurisdiction of the area where the crime occurred. With vertical prosecution cases, the case may be filed in the jurisdiction determined by the Deputy District Attorney filing the case.

EFFECTIVE DATE: April 20, 2008  
REVISION DATE: March 1, 2009  
APPROVAL:   
Mike Smith  
Chief, Bureau of Investigation

4000.05

**WITNESS CASH FUND**

A. PURPOSE

The Bureau of Investigation maintains regional witness cash funds for distribution to witnesses in accordance with department guidelines. The purpose of this policy is to establish a procedure for handling, processing, controlling, and distributing cash to witnesses. It also serves to define areas of responsibility for Supervising Investigators, Investigators and Witness Coordinators.

B. POLICY

1. REQUIREMENTS

- a. All witness cash funds on hand shall be kept in a safe within a secure location not readily accessible to members of the public.
- b. Each location where a Witness Cash Fund is maintained shall have a designated employee assigned to manage the fund.
- c. Only the designated employee assigned to manage the fund and the Witness Coordinator's Supervisor shall have access to the safe containing the witness funds.
- d. Witnesses may only receive payment from a Witness Cash Fund, not from a general office petty cash fund.
- e. The Witness Cash Fund shall not be utilized for purposes other than the payment of witness expenses.
- f. The Witness Coordinator in each office will maintain a ledger of transactions. The location in which the ledger is kept shall be accessible to the Witness Coordinator and Supervising Investigator.

2. PROCEDURES

- a. For distribution of funds to witnesses, the Witness Coordinator (or in the case of Barstow or Morongo the assigned employee) in charge of the account shall:

- I. Generate a receipt that includes the name and telephone number of the person receiving the cash, along with the appropriate case number.
- II. Ensure that cash advances for meals for witnesses are given only in exigent circumstances, and then only with the advance approval of a Chief DDA or his designee. As our office policy is to reimburse witnesses for expenses through a claim process via a check issued by the Bureau of Administration, exigent circumstances mean cash advances are for feeding a witness who has arrived to testify on a case when the witness has no food or funds with which to purchase a meal or has no funds for transportation.
- III. Have the witness receiving the cash sign the cash advance receipt.
- IV. Sign the cash advance receipt.
- V. Have a second Bureau employee (or if not available, another DA employee) witness the cash payment to the witness and sign the cash advance receipt.
- VI. Provide the original cash advance receipt to the witness.
- VII. Make an entry into the ledger of transactions, documenting the date of the transaction, the amount, to whom the cash was distributed and the purpose of the distribution.
- VIII. Ensure requests for replenishing the cash box are made at or before cash on hand reaches \$100. (This will help keep us from creating emergencies and from running out of cash) In the case of Barstow/Morongo, replenishment shall be requested on or before the on-hand cash reaches \$25.
- IX. Make e-mail notification to Management Services and their Supervisor when the fund requires replenishment, then fax and send the second copy of the cash advance receipt along with the most recent copy of the ledger to Management Services for processing the request for replenishment.

- X. Make arrangements to cash the check (which will be made payable to "Petty Cash/Witness Coordinator's Name") as soon as possible (preferably at the bank upon which it is drawn). The Witness Coordinator's supervisor or their designee shall accompany the Witness Coordinator when the check is cashed.
  - XI. Upon cashing the check, immediately deposit the funds directly into the petty cash safe, having the supervisor or his designee witness the transaction.
  - XII. Under no circumstances deposit a petty cash reimbursement check into their personal or any other account.
  - XIII. Maintain all records in an up-to-date manner.
  - XIV. Under no circumstances lend, borrow or utilize the witness cash funds for personal purposes.
- b. The Supervising District Attorney Investigator shall:
- I. Review the witness cash account at the beginning of each month and perform an audit to ensure the account is being properly managed and is balanced.
  - II. Add an entry in the ledger with the date the account was audited, the account balance and the name and signature of the Supervising Investigator conducting the audit.
  - III. In the event of any discrepancies, first contact the Witness Coordinator (or in the case of Barstow/Morongo the designated employee), then other employee witnesses if needed to verify the transactions actually occurred.
  - IV. Notify an Assistant Chief Investigator immediately if an unresolved discrepancy is found.

Orig. 04/18/2008

## **Guidelines: Witness Travel Arrangements and Approvals**

### **Procedures for Regional Witness Coordinators**

**NOTE:** *These procedures are for ordinary subpoenaed witnesses and DO NOT apply to Expert Witnesses. Expert Witnesses bill our office for their services and include all expenses incurred.*

Follow these guidelines when making travel arrangements for witnesses subpoenaed to appear in Superior Court. A **Regional Witness Coordinator should always make arrangements.** If the Chief Deputy District Attorney (Chief DDA) or Assistant District Attorney (ADA) chooses to make a change(s) in the arrangements, then you are required to change(s) per their instructions.

When a Regional Witness Coordinator receives a witness travel/claim form from a Deputy District Attorney (DDA), make sure that the witness information and the case information with testimony date(s) and/or standby date(s) are filled in. The DDA's signature and the Supervising DDA's signature approving the travel **must** be on the Witness Travel Claim Form before any arrangements can be made. **You may not make any arrangements without these approvals.** Once approvals are verified, quotes for costs should be obtained and entered on the Witness Travel Claim Form. After quoted costs have been entered on the form, the Chief DDA or his/her designee must approve the costs. The Chief DDA's signature of approval must be on Witness Travel Claim Form prior to confirmation of the arrangements and travel by the witness. The Witness Coordinator will then get approval and signature from the Supervising Investigator. Regional Witness Coordinator will only make travel arrangements once DDA has confirmed that the case is set to begin.

When a change is made to travel arrangements, a note must be attached to the Witness Travel Claim Form stating why the original arrangement was changed. If there is a cost difference due to the change, then the Chief DDA must initial the change for approval.

A notice of cancellation of reservations should be sent to Management Services along with your Cal-Card monthly statement. Write cancelled on

the notice so that Management Services is aware that charges should be credited.

The District Attorney's Office is **not responsible** for any travel costs for any support persons or children without express written pre-approval of the Chief DDA. Victim Witness Advocates are available to provide support and comfort to victims and witnesses and be with them when they give their testimony.

**Childcare may be paid for only when absolutely necessary.** Keeping in mind that it may be more fiscally prudent for this office to fund childcare and leave the child at home, the Chief DDA will make a final decision as to whether the child's travel and/or the support person's expenses will be paid for by the District Attorney's Office.

**APPEARANCE DATE/TIME:** Please schedule witnesses/victims who must be flown-in or driven to court by B of I staff to appear at a time that reasonably allows staff members, whenever possible, to travel during normal duty hours (7:30 am – 5:30 pm). Factor in drive time required to pick up the witness.

**TRANSPORTATION** arrangements should be made according to the most economical route. When making air travel arrangements, have the provider put your name on any paperwork involved. Attach copies of paperwork for all reservations and cancellations to the Witness Travel Claim Form. Make reservations as far in advance as possible in order to receive the most economical rates. Purchase coach tickets if at all possible. ***Non-refundable tickets may be purchased only when defendant is in trial and we are sure the witness will need to be present.***

If the case is continued and the witness is not needed, contact the travel provider and have the ticket refunded. Be sure to get a confirmation number for the cancellation from the provider. Forward a copy of the cancellation paperwork to Management Services with monthly Cal-Card statement.

When a witness is coming in on the weekend or the day prior to the court appearance, call an airport area hotel to pick up the witness from the airport and transport to the appropriate Inn to stay overnight. Even if the witness is not staying overnight, the La Quinta has agreed to shuttle the witness from the airport to their lobby for a more convenient pick up by Bureau of

Investigation personnel. A B of I Investigator or Tech will transport the witness to court and back to the appropriate Inn if the witness is staying overnight, or back to the airport if not.

For a witness who is testifying in another area of the region and must stay overnight to testify the next day, arrangements should be made for the witness to stay at a location that is near the court house and that is an approved vendor.

**A copy of the Witness Travel Claim Form and a copy of the reservation paperwork with all required approvals must be forwarded to Management Services with all necessary documents as soon as possible. Please notate if lodging or other travel was charged on your Cal Card or Direct Billing method.**

Reimbursement may be made to a witness who personally pays for travel by bus, train, or other means of public transportation including shuttle or taxi. Travel arrangements and costs must be pre-approved by a Chief DDA or ADA to qualify for reimbursement. **Receipts are required** for reimbursement of any transportation costs paid for by a witness. **No reimbursement will be made without a receipt.** Costs for parking are also reimbursable with a receipt.

Mileage for travel by a witness using a personal vehicle is reimbursable at a rate of \$0.32 per mile. Reimbursement will be made for roundtrip travel. Two round trips may be reimbursed if witness/victim is being dropped off and picked up at airport. Mileage must be verified by MapQuest. Attach MapQuest verification to Witness Travel Claim Form.

Ground transportation should be provided by Bureau of Investigation personnel whenever possible. When such ground transportation will be needed, a B of I supervisor shall be contacted as soon as possible so that assignments may be coordinated with personnel. Arrangements for outside vendors to provide ground transportation should be made only when a B of I supervisor determines existing personnel cannot provide the service. When the services of an outside vendor are needed, use only a vendor which is the most cost efficient. All travel to and from court should be provided during business hours by B of I personnel.

Due to County liability policies, **under no circumstances** will the District Attorney's Office pay for rental cars. If a witness chooses to rent a car, the witness will be responsible for the cost.

**LODGING** reservations must be made in advance and only at an authorized hotel/motel (see lodging information sheet). Generally, lodging will be provided to only those witnesses who live more than 100 miles one way from court. When a witness is driving a personal vehicle and requests lodging, verify by MapQuest that he/she lives outside a 100-mile radius. If not, the witness is expected to travel to and from court each day. The 100 mile minimum requirement is a general guideline. A Chief DDA has the discretion to make exceptions as needed. If the witness is not using a personal vehicle and B of I is providing the transportation, or if other ground transportation is provided, then the witness should be transported to court and back home each day.

Witness Coordinators, when making a reservation, should give the vendor their name and phone number and advise the vendor that they are making the reservation for the District Attorney's Office in order to ensure that the charge is at the government rate. Be sure to advise the witness that **only the room and tax will be paid by the District Attorney's Office**. Telephone calls, movie or game rentals, room service, and theft or damage charges will not be covered. These costs will be the sole responsibility of the witness.

In case of a special circumstance where more than one room may be needed, then contact the Chief DDA for approval **BEFORE** making the reservations.

**MEALS** expense will be reimbursed at the per diem rate. Reimbursement is \$5.00 for breakfast, \$7.00 for lunch, and \$13.00 for dinner. Because of the difficulty of obtaining receipts to substantiate per diem expenses, receipts are not required for meal purchases.

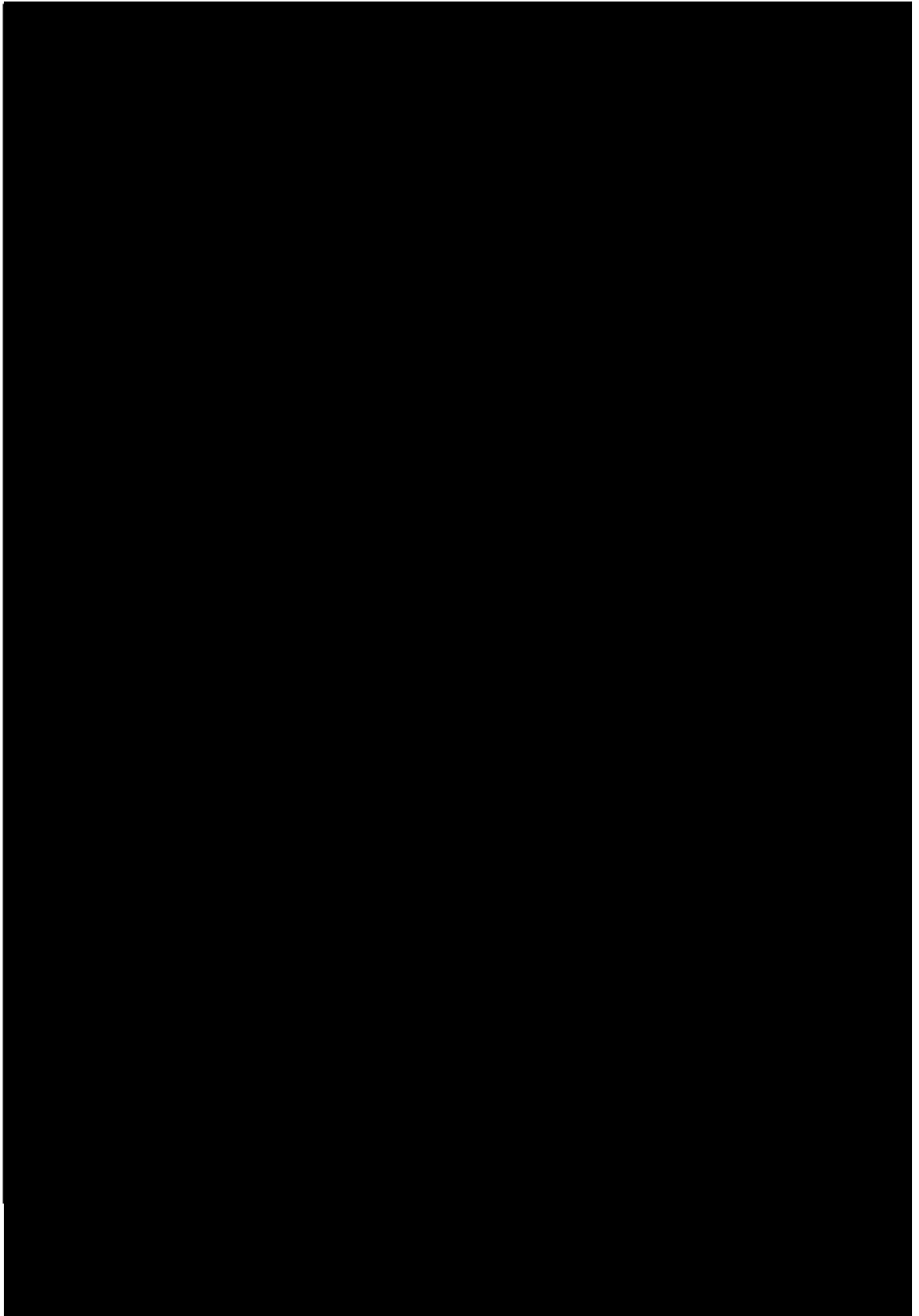
For a witness traveling by air or ground, meals may be reimbursed during that reasonable period of time starting from when the witness leaves the place of residence and upon the return home.

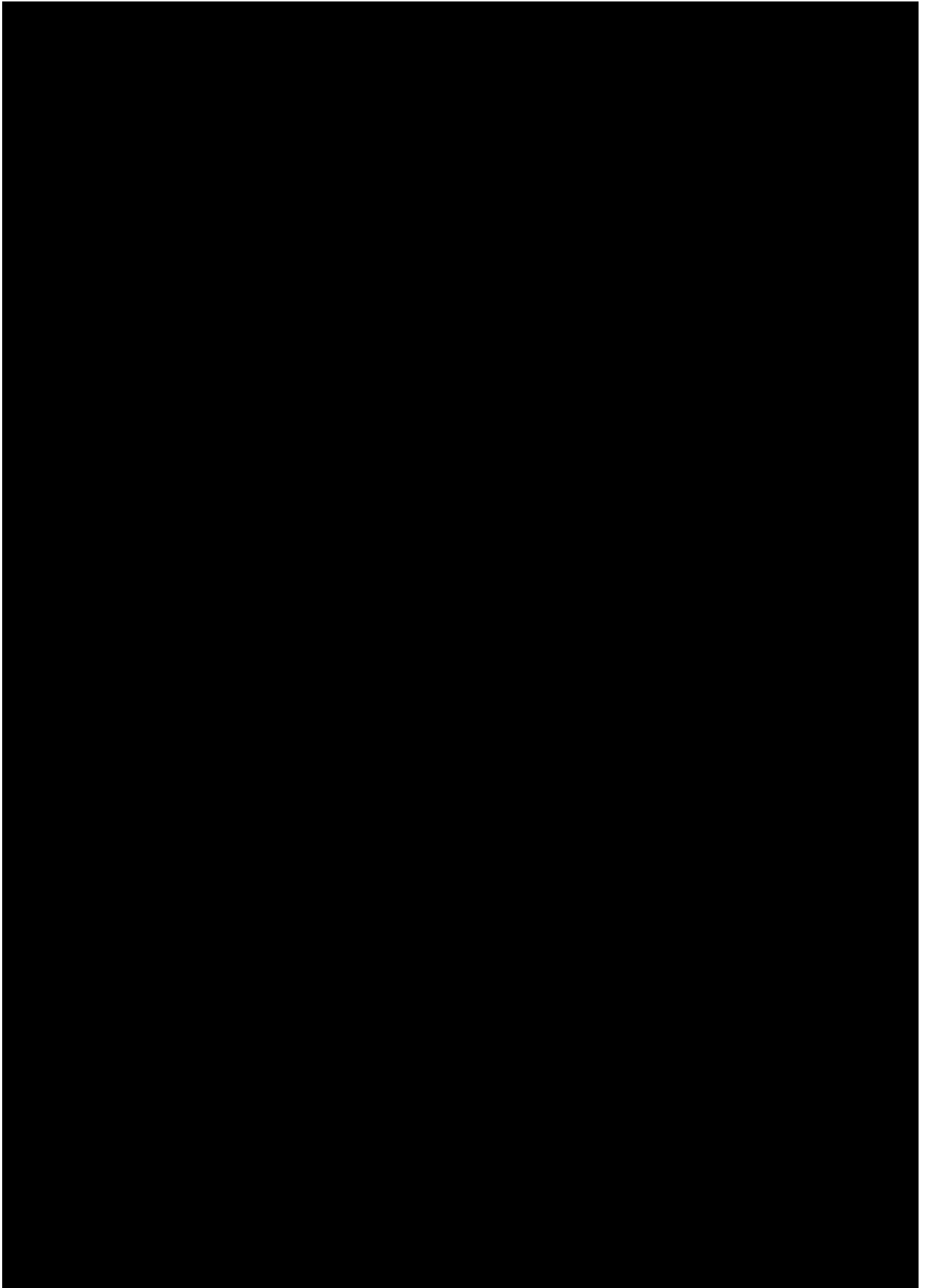
**WITNESS FEES** will be paid only for the day(s) during which the witness provides testimony or is required to be on standby for court. **ONLY** witnesses traveling from out of state are eligible for witness fees. Witness

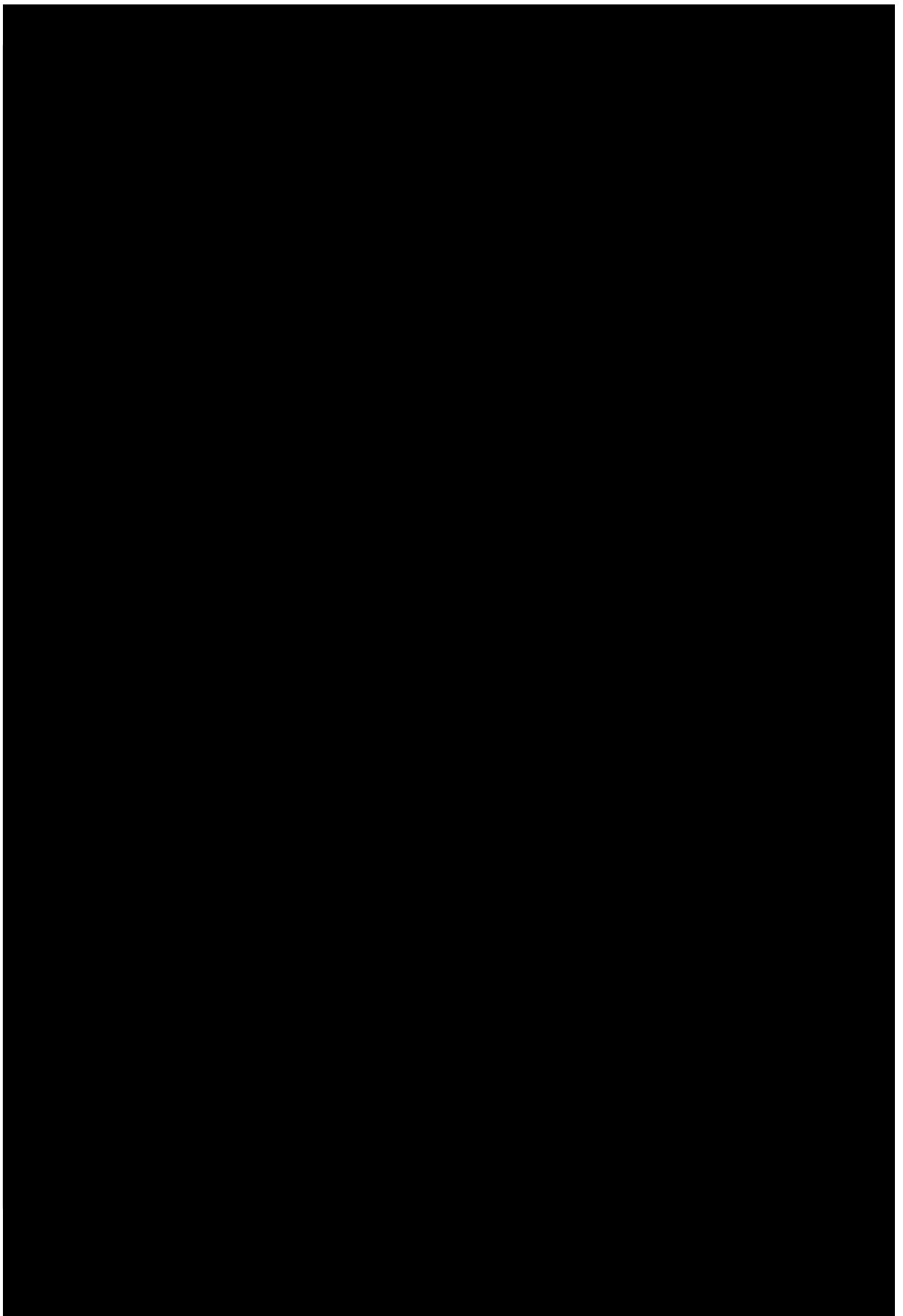
fees are not paid for travel days unless the witness travels on the same day that he/she testifies.

**ADVANCES** should be given **only** in emergency or extreme hardship situations. If such an advancement is made for private mileage, then mileage should be determined using MapQuest and calculated at \$0.32 per mile each way. If advancement is made for meals, then the per diem rates of \$5.00 for breakfast, \$7.00 for lunch, and \$13.00 for dinner shall be used. Advances **MUST** be clearly marked on the Witness Travel Claim Form in order to avoid double payment.

A District Attorney employee should not give cash advances out-of-pocket to a witness. Any employee who elects to disregard this regulation shall not be reimbursed for the cash advance. Should a cash advance become necessary, it shall be made from the regional witness cash fund at Fontana, Victorville, Rancho Cucamonga, or Central. A Chief DDA must approve exceptions.







EFFECTIVE DATE: January 1, 2004

REVISION DATE: April 17, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

4000.06

## PROPERTY AND EVIDENCE PROCEDURE

### A. PURPOSE

To establish a procedure for the handling, processing, controlling, and releasing of property and evidence; to define areas of responsibility of all employees of the Bureau of Investigation handling all classes of property and evidence.

### PROPERTY RESPONSIBILITY

1. Property processing is a functional responsibility of all employees of the department, however, the specific responsibility for overall property control is with the designated property custodians.
2. The designated property custodian may initiate additional measures to insure correct methods of property control within the scope of this procedure.
3. This procedure shall apply to any person who is assigned or undertakes to handle any class of property that comes under the control of the Bureau of Investigation's property custodian.
4. Persons assigned the responsibility of taking control/custody of property shall be cognizant of the necessity for identifying each article of property.

### B. PROPERTY CLASSIFICATIONS

1. Evidence: For the purpose of this procedure, shall be defined as tangible items that serve to prove or disprove an issue of fact in a potential criminal or civil action.
2. Recovered: For the purpose of this procedure is defined as "item(s) that have been reported stolen to this or any other agency, or are determined, at the time of processing, to be unreported stolen property."
3. Found: (Items with value that were lost or misplaced.) Shall be returned to the local law enforcement agency with the proper jurisdiction, if possible.
4. Personal: For the purposes of this procedure, is defined as item(s) whose owner is known, but who is unwilling or unable to immediately claim, receive, or care for the item(s). Personal property shall be referred to the law enforcement agencies with proper jurisdiction, if possible.

5. County: For the purposes of this procedure, is defined as items that are owned by, or consigned to, the County of San Bernardino.

C. PROPERTY DESIGNATION

In many instances, property may logically be considered as fitting into two or more classifications. For example, recovered property in many instances will also be evidence. To eliminate confusion caused by multiple designations of classifications, the following policy will prevail:

1. All property shall receive one classification only.
2. Property classifications listed in Section 2 are listed according to priority.
3. Each item of property will be designated as belonging to the highest priority classification to which it may reasonably be entitled. (Example: if a city street sign is recovered from a college dormitory, it could conceivably be classified city property, recovered property and evidence. However, as evidence is the classification with highest priority, that will be the classification designated.)

D. PROPERTY REPORTS AND PROPERTY STICKERS - HOW TO USE THEM

For the purpose of this procedure, the term "Property Sticker" shall apply to the preprinted stickers with fill-in-the-blank sections that are affixed to property/evidence.

"Property Reports" will be generated by the case agent (investigator) as part of the case file, or he may designate others to collect evidence under his direct supervision. The preparation of all property reports is essential to maintain the chain of custody.

E. GENERAL EVIDENCE

1. Attaching the property tag to evidence shall be done in a manner that insures the tag(s) stays affixed to the evidence. All evidence shall be packaged and/or tagged in an appropriate manner.
2. If the item of evidence is small in size, place it inside an envelope. No item(s) shall be stored in an envelope smaller than 10"x13".

F. SPECIAL CONSIDERATION EVIDENCE

1. Because of the limited amount of secured evidence storage space and special requirements of some types of evidence, the following storage locations and procedures will apply:

- a. Narcotics - Should be booked into the sheriff's lab in accordance with their procedures for analysis. When analysis has been completed, steps should be initiated to reduce the amount retained to a manageable amount until the courts decide the issue.
- b. Volatile substances - The San Bernardino County Fire Department can store some volatile substances. This must be done in accordance with their procedures. They should be contacted at (909) 387-3080 for advice.

G. PROPERTY REPORTS REQUIRED

Bureau of Investigation property reports must be completed in every case when Bureau of Investigation personnel seize evidence/property no matter where it is stored.

H. EVIDENCE HELD FOR FINGERPRINT/CHEMICAL PROCESSING

Avoid handling evidence as much as possible and attach a property sticker to it. Alert other personnel to use caution to prevent unnecessary handling, pending possible fingerprint development.

I. GUNS

Guns shall be unloaded and made safe prior to transporting or packaging for storage. Flexcuffs shall be used as a locking device through the cylinder or action to disable the weapons for storage and later use in court. Gun packaging and tagging shall otherwise conform to the procedures for normal packaging of evidence discussed previously in this section. A computer check in the AFS shall be run prior to booking the weapon.

J. BIOLOGICAL EVIDENCE

Shall be handled by local law enforcement with proper jurisdiction or through the use of a laboratory approved by the County.

K. VEHICLES

In addition to the Bureau of Investigation property report and tag, a CHP 180 form shall be completed and attached for all vehicles stored as evidence. Vehicles can only be stored with the approval of an Assistant Chief Investigator.

L. PRISONER'S PERSONAL PROPERTY

Personal property shall be handled and maintained by the sheriff's department at the time of booking. Larger items not accepted by the sheriff shall receive a property sticker and be secured in the property locker under the heading "Personal Property," pending release/disposition.

M. PROPERTY FORMS - RESPONSIBILITY FOR THE EVIDENCE

Persons other than investigators may be assigned the task of completing the property forms, but the investigator, (case agent) is responsible for signing the property report. The property receipt shall be filled out prior to leaving the location where the property was taken (self explanatory.)

N. PROPERTY INVENTORY AND PROPERTY RECEIPT – DISTRIBUTION

Property Report (4 part NCR form)

White – Attached to outside of property/evidence envelope or box

Yellow – Inside the box or envelope containing the property/evidence

Pink – Submitted with original report.

Goldenrod – Given to the person from whom the property was taken. In the case of the owner not being present, a copy is left with his/her representative or at the location of the search warrant along with a copy of the search warrant

O. EVIDENCE LOCKER ACCESS

Access to the evidence locker(s) shall be limited to the designated property custodian. An emergency key for the locker(s) shall be maintained within the Bureau of Investigation. This key shall be available for emergencies only and utilized only by a Bureau supervisor. Supervising Investigators are expected to routinely inspect the evidence lockers located under their management, and shall have access to the locker when accompanied by a property custodian.

P. COMPLETING THE PROPERTY / EVIDENCE REPORTS, RECEIPTS AND STICKERS

REQUIRED INFORMATION:

1. Location of items collected (room etc.)
2. Date / time items collected
3. Detailed description of items, including any serial or model numbers

4. Name and employee number of person collecting the items
5. From whom the property was taken
6. Case number

Q. PROPERTY RELEASE PROCEDURES

RELEASE - The property custodian shall confirm with the case agent and/or Deputy District Attorney in charge of the case that the items are clear for release or disposal.

1. The back of the white property inventory sheet shall be completed (self explanatory) The person who is signing for the property shall furnish a photo ID/California Drivers License before taking possession of the items.
2. At no time shall a "partial release" of property (under one case number) be authorized without permission from the case agent and his/her supervisor.
3. After release, the completed white property inventory sheet shall be filed away and remain in the custody of the property custodian.
4. Property approved for destruction shall be destroyed by the Bureau's Property Custodian or by the San Bernardino County Sheriff's Department if the DA's Office does not have the ability to properly destroy an item. A "Request for Analysis" form, (Green Sheet) provided by the sheriff will accompany any drug disposal request. The form will be completed with the assistance of the Sheriff's Department.

R. EVIDENCE HANDLING AND ACCEPTABLE CONTAINERS

All property coming into the custody of the Bureau of Investigation which must be stored, shall be handled as follows:

1. All items shall be packaged in the smallest acceptable container. The smallest acceptable container for submission of evidence shall be no smaller than 10" x 13". Acceptable containers for submission of evidence can be 10 x 13 envelopes, cardboard boxes, or anything suitable for the safe storage of evidence.
2. The person submitting the item(s) for storage shall complete all necessary forms, Property Sticker and Evidence Report, prior to submitting the evidence to the property custodian for storage.
3. The person submitting evidence shall provide a complete description of all items contained within the package. Any item posing a hazard to the property custodian shall be plainly marked.

S. SUPPLEMENTAL PROPERTY

Property processed at a date later than the original transaction (using the same case number) will require a new property inventory form. The additional property shall be numbered sequentially following the items previously seized.

T. PROPERTY STORAGE

1. The location to store property/evidence shall be assigned to the property custodian.
2. The following storage locations are authorized:
  - a. Evidence vault
  - b. Authorized storage facilities.
  - c. Tow agencies
  - d. Location approved by an Assistant Chiefs for property that is unusual in nature or requiring unique storage facilities
3. Property/evidence may be stored in a secure location on a temporary basis when the property custodian is not available for its property storage. The responsibility for these items remains with the case agent and should be noted in their report to maintain the chain of custody.
4. Valuables such as listed below shall be hand carried to the property custodian by the case agent for storage in the sections evidence vault.
  - a. Cash
  - b. Valuable coins or stamps
  - c. Gold or precious metals
  - d. Jewelry
  - e. Any item of intrinsic, collectable, or negotiable value
5. No evidence will be stored in or on an employee's desk, file cabinet, or other office areas unless clear exigent circumstances exist. In those cases, the evidence shall be under the strict control of the employee handling the evidence. Chain of custody will be documented at all times.

U. PROPERTY PROCESSING (INTAKE)

All classes of property (except county) that is recovered evidence shall be processed in the following manner.

1. Proper reports completed
2. All property/evidence properly marked for future identification
3. Temporary disposition of property noted on the property report
4. Property reports should reflect where the items are stored
5. By whom, date and time stored

County property that is not consigned to, or owned by, the District Attorney but is brought to the attention of the office, shall be returned directly to the county department responsible. If the responsible county department is unable to assume the immediate responsibility of the item(s), then the employee shall comply with normal property processing procedures.

V. STOLEN PROPERTY IN PAWN SHOPS

1. It is the policy of this Department to physically seize stolen property that has been located in a business establishment. The investigator should advise the business owner that the property has been reported stolen or is evidence of a serious crime.
2. On the bottom of the receipt the investigator shall write the following: "this (name item) will not be returned to the victim without giving (name of pawn shop) 15 days written notice to respond to their interest."
3. The investigator who seizes the evidence is responsible for notification.
4. The litigation of the ownership interests in the property is civil in nature and is between the victim of the theft and the business owner. If we take property into our possession and ownership claims are made by both the victim and business owner, we are required to retain the property until ownership is determined by agreement between the parties or by a magistrate.

W. PROSECUTORS PROHIBITED FROM MAINTAINING EVIDENCE

Evidence from an outside agency's investigators will not be maintained by a Deputy District Attorney before, during, or after a trial. Deputy District Attorneys should seek assistance from the Bureau of Investigation if storage becomes an issue.

X. PURGING EVIDENCE

During the months of March and September each year, evidence room personnel shall determine if all the evidence in their care must be retained longer. During those months, evidence room personnel shall make notification of the evidence stored to the person booking such evidence. The notification shall include sufficient information so as the person notified will be able to identify the evidence and case. The person notified shall determine if the evidence is still required and if so, complete the notification form and return it to the appropriate evidence room person. If the evidence is no longer required, the concerned investigator shall determine the appropriate means of release and cause the form to be completed and returned to the appropriate evidence room personnel. In either case, the investigator shall return the completed form within 30 days.

Upon notification that the evidence is no longer required, the evidence room personnel shall verify that the method of disposal is appropriate and arrange for the disposal. When evidence is released other than to be destroyed, a receipt will be obtained and filed. Any firearms or narcotics to be destroyed shall be delivered to the San Bernardino County Sheriff's Department, which in turn shall destroy it.

Revised 04/17/2006

**4000.07**

**ARREST AND PRISONER TRANSPORTATION PROCEDURES**

A. PURPOSE

This policy establishes procedures relative to the arrest of suspects and the transportation of prisoners. This policy also ensures that arrestees are properly restrained and their movements are controlled and restricted. This is essential for the safety of the arrestee, Bureau personnel and that of the general public.

B. PROCEDURE

1. [REDACTED]

2. Force used to affect an arrest shall only be that force necessary to overcome resistance and shall be in accordance with the law.

3. Bureau personnel shall treat prisoners in a fair and humane manner at all times.

4. [REDACTED]

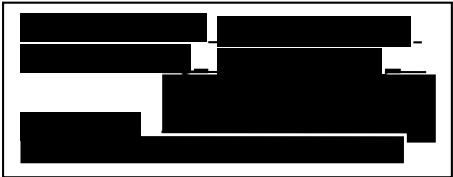
5. [REDACTED]

Prisoners transported from a custodial facility shall not be brought to any office of the District Attorney. If the prisoner is to be interviewed or prepared as a witness, arrangements should be made for this to occur at a local law enforcement agency in order to provide a more secure setting.

6. [REDACTED]

7. [REDACTED]
8. When a prisoner is transported in a motor vehicle, the prisoner shall be properly restrained and wear a seat belt.
9. [REDACTED]
10. [REDACTED]

Revised 12/12/2005



[Redacted]

[Redacted]

[Redacted]

[Redacted]

**4000.09****CITIZENS COMPLAINTS AND ADMINISTRATIVE INVESTIGATIONS****A. PURPOSE**

1. The San Bernardino County District Attorney's Office, Bureau of Investigation is strictly accountable for the actions and behavior of its personnel. All Bureau of Investigation personnel are expected to conduct themselves in a manner consistent with the standard of professionalism necessary to insure the confidence and safety of the public.
2. It is essential that the Bureau of Investigation maintain the ability to investigate and properly adjudicate complaints against its members. Additionally, the Bureau of Investigation has the responsibility to seek out and discipline those whose conduct discredits the District Attorney's Office, or impairs its effective operations. The rights of the employee as well as those of the public must be preserved, and any investigation arising from a complaint must be conducted in a thorough, objective and impartial manner with truth as its primary objective.

**B. POLICY**

Complaints by the public of alleged misconduct on the part of employees of the Bureau of Investigation shall be thoroughly and accurately investigated at the direction of the Chief or his designee. Misconduct is defined as the violation of any law, county policy, office policy, Bureau policy, directive or procedure.

**C. PROCEDURE**

1. Any person desiring to make a personnel complaint against any employee of the Bureau of Investigation shall be advised that the complaint may be made to any Supervising Investigator, Assistant Chief, or the Chief.
2. Under most circumstances, the Bureau complaint form will be completed by the person making the complaint (See Exhibits "A" and "B"). The complaint form should include a written summary of the complaint.
3. The citizen complaint information advisory form shall be explained to, and signed by the complainant.
4. In the event of a telephonic complaint of misconduct by Bureau personnel, the complainant should be asked to come to the District Attorney's Office to register the complaint. If the complainant is unable to come to the office, the Supervising Investigator should offer to respond to the location where the complaining party can be contacted and interviewed. If neither option is viable, the complaint shall be received over the telephone.

5. When a complaint is received by letter, the Supervising Investigator shall contact the complainant either telephonically, in person, or by return letter in order to properly document the complaint.
6. Once the complaint form is completed and received, it shall be forwarded to an Assistant Chief for review and then forwarded to the Chief. The Chief or his designee will then assign the complaint for investigation. Whenever possible, internal investigations shall be conducted by a person of higher rank than the subject of the complaint.
7. The employee assigned the investigation shall be responsible for a thorough and accurate investigation.
8. If the complaint is one, which by its very nature requires that an investigation be immediately initiated and the Chief is not available, an Assistant Chief or Supervising Investigator shall be responsible for initiating the investigation.
9. All completed investigations will be reviewed by an Assistant Chief and then forwarded to the Chief. After reviewing the investigative report(s) and based on the allegations, the Chief may arrive at one or more of the following dispositions:
  - a. Unfounded – the incident did not occur, or is not factual.
  - b. Exonerated – the incident occurred but was justified, lawful or proper.
  - c. Not Sustained – there is insufficient evidence to either prove or disprove the allegation(s).
  - d. Sustained – the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt or misconduct.
  - e. Misconduct Noted – the Bureau member committed misconduct not originally alleged in the complaint.
  - f. No finding - the complainant failed to disclose promised information, the investigation revealed that the subject of the complaint is an employee of another agency and the complainant was referred to that agency, or the complainant withdraws the complaint.
    1. If the complaint is sustained, the Chief can impose one or more of the following actions:
      - a. Counseling
      - b. Training

- c. Written Reprimand
- d. Suspension
- e. Relinquishment of Certain Accrued Time Off
- f. Reduction in Pay
- g. Demotion
- h. Dismissal

D. DISPOSITIONS

1. The employee will be informed in writing, by the Chief, of the final disposition.
2. The complainant will be informed in writing of the disposition by the Chief or his designee pursuant to P.C. 832.5.
3. Both the employee and the complainant will be informed of all avenues of appeal, should either disagree as to the final disposition.
4. All investigations and reports shall be deemed confidential for purposes of avoiding release of information on personnel matters to unauthorized persons.

E. RECORD KEEPING AND PURGING

1. All citizen complaints and other administrative investigations of personnel misconduct, regardless of disposition, shall be retained for five years pursuant to P.C. 832.5.
2. Copies of sustained complaints and dispositions will be placed in the employee's personnel file and shall be retained in accordance with current laws and regulations.
3. Complaints resulting in dispositions of unfounded, exonerated, not sustained, or no finding, shall be filed in the internal affairs files.
4. At the conclusion of the five-year period, the complaint, investigation and disposition shall be purged from the personnel and internal affairs files and destroyed unless substantially similar conduct has occurred again during the initial five-year period.

5. If the Chief or his designee determines that substantially similar conduct occurred again during the initial five-year period, the personnel complaint, investigation, and disposition regarding the incident will be maintained. Substantially similar conduct is defined as conduct that a reasonable person would conclude is substantially similar in nature. The employee will be given written notice that the complaint, investigation and disposition are being maintained in their file.
6. Employees shall be permitted to review their personnel file at any time by contacting their immediate supervisor.

F. WRITTEN PROCEDURE

The District Attorney's Office shall make available upon request a written summary of the personnel complaint procedure regarding Bureau of Investigation employees at any of the offices where investigative personnel are assigned.

[REDACTED]

[REDACTED]

TODAY'S DATE TIME

CASE NUMBER

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



EFFECTIVE DATE: November 15, 1999

REVISION DATE: March 11, 2011

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

## 4000.10

### USE OF DEPARTMENT VEHICLES

#### A. POLICY AND PROCEDURE

1. County vehicles are intended for county business only.
2. Only county employees are authorized to operate County vehicles.
3. County vehicles will remain assigned to individual investigators and staff. Changes in vehicle assignment shall be at the discretion of the Chief and Assistant Chief Investigators, or their designee.
4. Employees shall operate County vehicles in a safe manner in accordance with the laws contained in the California Vehicle Code, County and City Ordinances and the general rules of the road.
5. County vehicles should not be used while on days off, during vacation, or on holidays, etc., except when it becomes necessary to perform official business during these times.
6. All persons who operate, or are a passenger of a County vehicle shall wear seat belts.
7. When an emergency vehicle is operated in an emergency mode by an investigator, policy number 4000.29 governs such operation.
8. The employee assigned to use a County vehicle is responsible for the care and periodic maintenance of the vehicle.
9. County vehicles assigned to employees shall be kept clean.
10. Nothing in this policy and procedure is designed to prevent employees from exercising their best judgment in using a Department vehicle in the event of emergency or extenuating circumstances.

#### B. TRAFFIC COLLISIONS

1. In the event of a traffic collision while driving a County vehicle, the involved employee should first summon aid for any injured parties.
2. Employees will, at their first opportunity after the traffic collision, notify their supervisor or (if unable to reach their supervisor, any supervisor of the Bureau).

3. Employees will request the jurisdiction in which the traffic collision occurred to respond and complete a traffic collision report and take photographs of the scene.
4. Employees shall exchange driver and vehicle information with the other involved party(s).
5. Employees shall complete the required San Bernardino County Collision Report (15-5705-000 Rev 1-94).
6. Upon notification of an employee being involved in a traffic collision the concerned supervisor shall make appropriate notifications. The supervisor may respond to the scene of a non-injury collision, and shall, if practical, respond to the scene of an injury collision.
7. On arrival at the scene the supervisor shall assure that any injured party is receiving the appropriate treatment, and that County property is being appropriately cared for.
8. The employee's supervisor shall, within 24 hours, complete the required supervisors report (15-13866 Rev 1-94) and submit it through the chain of command for processing.
9. Additional injury reports will be required from both the injured employee and the supervisor in the event of injury to the employee. Such reports will be completed in compliance with existing County policy.

### C. TAKE-HOME VEHICLES

#### 1. PURPOSE

- a. Sworn Investigators are assigned department vehicles that are equipped with emergency equipment. [REDACTED]
- b. [REDACTED] Each vehicle has an installed burglar alarm. Investigators are required to park their vehicle at their residence during off-duty hours. The primary purpose for "home garaging" is to ensure the ability to facilitate department business in a economical and expedient fashion as well to promptly respond to emergency situations that develop.
- c. During an emergency, absent special operations of law, those arrested and incarcerated must be charged by the DA's Office

within 48 hours, or released from custody. The District Attorney's Office provides a critical law enforcement function in safeguarding the community from criminal offenders and Investigators play an important role in providing security for offices in the event of an emergency, such as a natural disaster, terrorist attack or civil disorder. In the event of such an event, DA Investigators will provide facility security to ensure the safety of non-sworn personnel, prevent looting and unauthorized access to DA facilities and safeguard equipment and the confidential criminal offender information maintained by the prosecutor's office. Additionally, DA Investigators have cell phones and/or BlackBerries and radios that allow communications between facilities. DA Investigators are responsible for establishing communications and driving documents between facilities to ensure the justice system continues to operate.

- d. Investigators are required to respond in the event of dignitary protection events, to safeguard threatened witnesses, to escort incarcerated individuals whom have a high probability of threat against their person who are testifying as a witness for the People of the State of California and to provide security and threat assessment for office staff that have been threatened.
- e. Due to the nature of the work being conducted by DA Investigators, department vehicles are varied in style and color and equipped in such a fashion as to make their law enforcement purpose invisible to the general public, absent operation of emergency equipment on the vehicle. The department operates ten facilities countywide and lacks the infrastructure to park department vehicles in a secure centralized location that will ensure the safety and security of such vehicles.

## 2. DUTY TO RESPOND

- a. In the event of an emergency, an Assistant Chief Investigator will contact each Supervising Investigator to provide response instructions. The Supervising Investigators will in turn contact DA Investigators to provide response instructions. Absent being contacted by a Supervising Investigator in a contemporaneous manner, DA Investigators shall respond to their assigned facility. By studying previous disaster responses to emergency events, studies have shown that there is incredible value in distributed parking as opposed to centralized parking. The Southern California infrastructure is particularly vulnerable to multiple points of failure that may well result in the inability of staff to respond to their assigned facility. If an investigator is unable to respond to their assigned duty station, they shall respond to the nearest District Attorney facility. If unable to respond to a DA facility, an investigator shall report to the closest

first responder facility to render assistance. Investigators shall contact their supervisor to report their whereabouts, ETA and the facility to which they will report.

- b. Once an emergency situation is stabilized and office functions are established, the Supervising Investigator in consult with an Assistant Chief, may release non-essential DA Investigators to assist local law enforcement officials in safeguarding the community.

### 3. USE OF VEHICLES

- a. It is economical and expedient for the department to assign vehicles for take-home use. Department vehicles are only authorized to be used for official purposes. Investigators may use the vehicle to and from their assignments in a de minimis fashion to accomplish personal tasks that add to the efficiency of the situation. Personal use of vehicles during off-duty hours (evening and weekends) is prohibited. Because of the efficient and time-saving nature of responding from home to airports, hotels, bus terminals, businesses and residences to serve subpoenas, transport witnesses to court for testimony and execute search and arrest warrants, DA Investigators are required to park their assigned vehicle at their residence. Vehicles parked at a residence overnight shall not be left on the street and should be parked either in a driveway or inside a garage.

### 4. ASSIGNMENT OF TAKE-HOME VEHICLES

- a. The District Attorney has delegated the decision to assign take-home vehicles to the Chief Investigator. Generally, for purposes of office efficiency, safety and security, only investigators are allowed to take home vehicles. In the event such a decision makes economical sense (saves time and/or money), a non-sworn employee may, on a case-by case basis, take a department vehicle home overnight to facilitate witness transportation or other assignment as necessary. Approval from an Assistant Chief is required to allow short-term overnight take-home use of a department vehicle.

Revised 03/11/2011

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: January 22, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

## **EXPENSES/TRAVEL**

### A. **EMPLOYEE EXPENSES/TRAVEL**

1. Expenses incurred by employees while in the performance of their duties shall be subject to department approval before payment. Expense reports, when completed by any employee, shall be presented to the supervisor for review and signature before being presented to Management Services.
2. Trips outside of the county for longer than one day for the purpose of attending conventions, conferences, and meetings shall require the approval of the Chief or his/her designee.
3. Trips outside of the county in which departmental or County expenses may be incurred within the general practices of routine official duties shall require the approval of the employee's immediate supervisor or his/her designee prior to the trip.
4. Failure to acquire proper supervisory approval in advance of expenditures may result in disapproval of an expense reimbursement.
5. Expenses incurred by an employee will be reimbursed per the employee's respective bargaining M.O.U. guidelines.
6. Claims for expenses must be accounted for on the County Expense Claim Form (Number 15-211-000).

### B. **MEALS FOR WITNESSES:**

Meals are handled in accordance with established procedures of the office. Special circumstances must be approved in advance by a supervisor.

EFFECTIVE DATE: **November 15, 1999**  
REVISION DATE: December 12, 2005

APPROVAL: [REDACTED]  
Mike Smith, *Chief – Bureau of Investigation*

**4000.12**

**OFFICE SECURITY**

A. **POLICY**

Building security and employee safety are important issues concerning today's work environment. In order to provide for the safety and security of the employees of the District Attorney's Office, the following protocol is hereby established:

[REDACTED]

[REDACTED]

[REDACTED]

B. **PROCEDURE**

These procedures are guidelines, which should be adhered to when practical discretion is to be used.

1. **Criminal Offender Records**

The Chief Investigator, in addition to general security for all offices, is the criminal records security officer (as prescribed by state law) and is given the responsibility for seeing that these regulations of the Attorney General are adhered to. The Chief or his/her designee is given authority commensurate with these duties. The Chief or his/her designee will make periodic checks of the various divisions of this office countywide to ascertain that necessary security is maintained. He will see that proper records are kept, and he will oversee the destruction of rap sheets and criminal records.

2. Background Investigation of District Attorney Employees & Contractors

- a. Whenever any contingent job offer is extended to a potential new employee of the District Attorney's Office, it shall be the duty of the Bureau of Investigation to conduct a background investigation on the employee. This shall apply whether the new employee is a full time employee, a temporary employee, volunteer or a contract employee and shall apply to all positions including attorneys, clerical and janitorial.

Background forms will be completed on every potential employee, including a release signed by the prospective employee authorizing the background check. Obtaining the completed forms is the responsibility of the employee entrusted with extending the contingent job offer. This material shall be forwarded to the Chief Investigator's Secretary for processing.



3. Security of Access Doors

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

[Redacted]

- e. Non-county employees shall not be granted unescorted access to a DA facility to affect repairs or make deliveries after-hours.

[REDACTED]

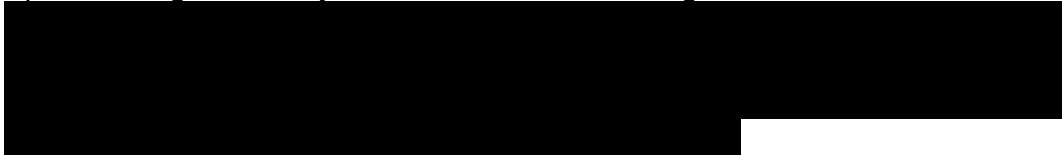
[REDACTED]


[REDACTED]

#### 4. Visitor Procedures

- a. No person shall be allowed entry to any DA facility unless they are an employee of the DA's Office, a County employee with the need and right to access the facility to perform maintenance functions, an authorized member of a law enforcement agency conducting business, or an authorized visitor of an employee of the DA's Office.
- b. Any law enforcement officer or private citizen visiting an employee must have the permission of that employee to enter the facility PRIOR to entering the secured areas of a facility. The receptionist WILL NOT allow a visitor to enter a facility prior to making personal or telephonic contact with the employee being visited. If contact cannot be made, the visitor will be extended the opportunity to leave a message for the employee, but the visitor WILL NOT be allowed access to the facility.
- c. If an employee is expecting a visitor, he/she should notify the receptionist prior to the visitor's arrival.
- d. The receptionist is not responsible for escorting visitors to their destination. It is incumbent upon the individual being visited to ensure the visitor (when required under this policy) is provided with an escort.
- e. All visitors will be issued a badge or identification card, which is to be worn on their outer clothing and in plain view at all times while in the facility. Visitor

upon leaving the facility will surrender visitor badges and identification cards.



- f. Visitors such as victims and witnesses should not be left unattended, UNLESS the Deputy DA, Victim Witness Advocate, DA Investigator or Investigative Technician coordinating the activities of the visitor makes arrangements for another DA employee to monitor the activities of the unattended victim or witness. If the visitor has a need to leave the building he/she should be escorted from the facility in order to avoid becoming lost within the facility. If the visitor is leaving for the day, he/she should be escorted to the front desk to sign out and drop off the visitor pass.
- g. The front desk receptionist shall maintain a sign-in roster for all visitors other than District Attorney employees, law enforcement personnel (including Court Officers) and Defense Attorneys. Anyone bringing in visitors other than law enforcement personnel shall identify them to the receptionist and have them sign the roster and obtain a visitor badge. The roster shall include the visitor's name, date, time-in, and reason for visit, including whom the visitor is there to see. Branch offices with no assigned receptionist or ten or fewer Deputy DA's assigned to the office shall not be required to maintain a sign-in roster or visitor passes.
- h. Employees of a law enforcement agency assigned as a Court Officer may access a DA facility via the receptionist 
- i. The production of official visitor badges for all facilities shall be the responsibility of the Bureau of Investigation, who will monitor their use and make necessary changes in their design as needed or required.
- j. All volunteer personnel shall wear an appropriate badge as issued by the Bureau of Investigation identifying them as volunteers.
- k. Access to DA facilities is controlled. In order to control access and maintain security, ALL access to a DA facility by visitors shall be through the receptionist area, except in cases where the visitor is escorted by a Deputy DA or DA Investigator.
- l. Many conversations that occur in DA facilities involve case strategy or material that is confidential in nature. For these reasons, ANY attorney or

investigator who is engaged in criminal defense work MUST be escorted while inside a DA facility. Employees are reminded that conversations held in areas of the office which are accessible by visitors or other employees are not environments conducive to private conversations. Private conversations are best held in moderate tones in a private office behind closed doors.

m.



- n. Because of the sensitive nature of the information handled by the District Attorney's Office and regulations restricting access to areas where such information is maintained, access to DA facilities is strictly regulated. In no event, shall any County employee, contract employee, vendor or other service provider have unescorted physical or electronic\* access to a DA facility without having satisfactorily completed a District Attorney's Office background investigation which includes an automated fingerprint criminal record check through the Federal Bureau of Investigation and California Department of Justice. The DA's Bureau of Investigation shall conduct this background check. County employees, contract employees, vendors or other service providers who have access to District Attorney facilities without an escort shall submit to such a background record check and have a "subsequent arrest notification" contract in place for the duration of their access to the District Attorney's facilities.

*\*"Electronic Access" is construed to be: any employee who has access to the District Attorney computer system or the capacity or ability to access via the network, any District Attorney software, data storage device, electronic information, e-mail server or any other material of a confidential and/or criminal offender record nature, including incoming or outgoing electronic mail, including employees assigned to LAN administration or county firewall maintenance and monitoring.*

- o. The following matrix is designed to assist as a quick reference guide in determining whether building passes, escorts, sign-in and/or employee notification are required for a visitor:

VISITOR TYPE	BUILD. PASS REQUIRED	ESCORT REQUIRED	NOTIFICATION REQUIRED	SIGN IN REQUIRED
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■
[REDACTED]	■	■	■	■

p. With good cause being shown, temporary, urgent variances to this policy may be granted by a Supervising Investigator or Chief Deputy DA for situations that merit such a variance.

5. Handling Prisoners/Suspects

[REDACTED]

[REDACTED]

6. Breaches of Security/Security Passes

[REDACTED]

7. On-Duty Emergency Security Alarm Procedures

■ [Redacted]


■ [Redacted]

■ [Redacted]

Revised 12/12/2005

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.13**

### **COURT APPEARANCE**

- A. Employees shall notify their immediate supervisor of the date, time and location of appearance. The employee shall also advise their supervisor of the nature or circumstances of the subpoena.
- B. Employees under subpoena or ordered to appear in court on any matter shall be punctual. Requests for permission to deviate from the order of the subpoena shall be cleared with the Deputy D.A. handling the case, or with the person who issued the subpoena.
- C. Employees shall maintain a professional demeanor while appearing and testifying in court. The employee's dress shall be conservative business attire and in accordance with office and Bureau dress policies covering court appearances. In extenuating circumstances, such as same day notice to appear, investigative technician personnel may wear the authorized investigative technician uniform to court. Any other exceptions must be approved by the employee's immediate supervisor.
- D. Employees receiving subpoenas arising from outside employment or other matters shall be handled either on the employee's own time, in accordance with the employee's MOU, or as authorized by the Chief or his designee.
- E. Private parties who subpoena investigators for civil actions or proceedings must pay a \$150.00 deposit to the San Bernardino County District Attorney's Office, pursuant to Government Code sections 68096.1 – 68097.2. These provisions are not applicable to criminal proceedings.

Revised 12/12/2005

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **December 12, 2005**

APPROVAL: [REDACTED]  
Mike Smith, *Chief – Bureau of Investigation*

**4000.14**

## **ADMINISTRATIVE AND PERSONNEL RECORDS**

### A. POLICY

1. Records and data kept by the department for administrative purposes are the property of the District Attorney's office and are not to be accessed, reproduced or provided to any other person, employee, agency, entity or authority without notification and permission of the Chief or his/her designee.
2. Except for supervisors maintaining annual evaluation information on their assigned employees, no employee shall keep records or data concerning the activities of any other employee for any purpose unless authorized to do so in the proper discharge of their duties.

### B. PROGRAM

1. The purpose of this policy is to protect the confidentiality of department and personal/personnel records from exposure to outside entities or persons not entitled to receive such information.
2. This policy is not intended to protect any member of the department from discovery of misconduct or wrongdoing, however is intended to establish the proper procedure for reporting such concerns.
3. This policy does not prevent any employee from accessing his or her own personal/personnel files or records.

### C. PROCEDURE

1. Any employee requesting access to their own personal/personnel file or records, upon notification to their supervisor, may be granted access as soon as is reasonably possible. The supervisor shall notify the Assistant Chief of the Bureau's Administrative Division so that access may be granted as soon as reasonable.
2. Any employee wishing to access administrative records for any purpose shall request permission from his/her supervisor.
3. All persons reviewing a personnel file will sign and acknowledgement sheet memorializing that they reviewed and/or obtained a copy of material contained in the file.

D. DEFINITIONS

1. Bureau Personnel File

That file which is maintained in the office of the Chief as a permanent record of the employee's employment with the San Bernardino County District Attorney's Office, Bureau of Investigation.

2. Internal Investigative File

That file consisting of all investigative material compiled during the investigation of allegations of misconduct by a Bureau employee.

3. Internal Affairs Investigation Disposition Form

The form that reflects the final disposition of a personnel complaint.

4. Bureau Training File

A hard copy file that is separately maintained on each Bureau employee and housed the Bureau's Administrative Division training records, as well as electronically as part of the Bureau's Training Management System.

5. Confidentiality

Pursuant to Penal Code §832.7, the Bureau Personnel File and all other investigator personnel records are deemed confidential and shall not be subject to disclosure to other than authorized personnel except pursuant to the discovery procedure set forth in California Evidence Code §§1040 and 1043, et seq (Pitchess Motion).

E. ITEMS TO BE PLACED IN AN EMPLOYEE'S BUREAU FILES:

1. Work Performance Evaluation reports (WPE)

Each original Work Performance Evaluation report regularly completed and signed by the respective employee and all appropriate supervisors, pursuant to the established Bureau procedure, shall be permanently maintained in the employee's administrative personnel file, with a copy being placed in the employee's Bureau Personnel file.

2. Training Material

a. Photocopies of all pertinent certificates or other documentation of

training seminars, schools and other related classes shall be permanently maintained in the employee's Bureau Training File.

- b. It shall be the responsibility of the concerned employee to provide their supervisor with the appropriate copies of such material as soon as practicable upon completion of each training program.
- c. The supervisor shall then forward the appropriate photocopies to the Assistant Chief of the Administrative Division for placement in the employee's Bureau Training File.

### 3. Education

- a. Photocopies of all college degrees, diplomas or other evidence of higher education shall be permanently maintained in the employee's Bureau Personnel File.
- b. Upon receiving a college degree, and employee shall provide a copy of the degree to their supervisor, who will forward the copy to the Assistant Chief of the Administrative Division for placement in the employee's Bureau Personnel File.

### 4. Discipline

- a. Citizen complaints of misconduct brought pursuant to Penal Code Section 832.5 shall be processed and only the original signed Internal Affairs Disposition Form resulting from the completion of a complaint which is sustained shall be maintained in the employee's Bureau Personnel File for a period of at least five years.
  - (1) The Internal Investigative File of all citizen complaints shall be maintained separately from the employee's Bureau Personnel File.
  - (2) Those citizen complaints which are classified as unfounded, exonerated or not sustained shall not be placed in the employee's Bureau Personnel File but shall be retained separately for a period of five years and filed by internal investigation case number.
  - (3) All records pertaining to citizen complaints of District Attorney peace officers shall be maintained and purged as specified by law.
- b. Other official documentation detailing discipline initiated internally by a supervisor or manager shall be processed in accordance with County personnel procedures. The signed original of the disciplinary documentation for sustained investigations of this nature shall be retained in the employee's Bureau Personnel File for a period of one year

from the date the document is signed by the employee.

1. The Internal Investigative File developed during such investigations shall be maintained separately from the employee's Bureau Personnel File and filed by internal investigation case number.

c. Commendations Citizen commendations and Bureau commendations shall be processed pursuant to the procedure set forth in Bureau Policy and the original or a copy of the commendation shall be permanently maintained in the employee's Bureau Personnel File.

d. Personnel action memorandum

The designated copy of each memorandum reflecting personnel action concerning an employee's position during his/her career with the San Bernardino County District Attorney's Bureau of Investigation shall be permanently maintained in the employee's Bureau Personnel File.


5. Photograph

a. A photograph of each Bureau employee shall be maintained in his/her respective Bureau Personnel File.

Revised 12/12/2005

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

## 4000.15

### **EMERGENCY RECORDS**

- A. Emergency Personal Information forms (See Exhibit “A”) are designed to assist in locating employees and the relatives of employees in the event of an emergency situation. These forms contain optional information that can assist in locating the employee or their relative(s), however, the following information on the form is required to be provided:
1. Employee's address and home phone.
  2. Name of spouse/significant other, registered domestic partner or party with familial duty to be contacted in event of an emergency.
  3. Spouse's/significant other's, registered domestic partner's or party with familial duty to be contacted in event of an emergency's home address, home phone, business name, address and business phone.
- B. All employees shall file a new Emergency Personal Information form with their respective supervisor upon a change in any of the mandatory information.
- C. When a supervisor completes an annual work performance appraisal (WPE) for an employee, the employee shall complete a new Emergency Personal Information form.
- D. When an employee completes a new Emergency Personal Information form, the supervisor will maintain a copy of the form in the supervisor's working file and forward a copy to the Bureau secretary for placement in the employee's personnel file.
- E. The Bureau Emergency Personal Information form forms are available on-line in the Bureau's form repository located at <http://d3522\bofiforms\Administrative Forms>, or from the Chief's Secretary or a Supervising Investigator.

Exhibit "A"

**EMERGENCY PERSONAL INFORMATION**

Name: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Physical Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Marital Status: \_\_\_\_\_ Ethnicity: \_\_\_\_\_ DOB: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Message Phone #: \_\_\_\_\_

Physician Name: \_\_\_\_\_

Physician Phone #: \_\_\_\_\_ Blood Type: \_\_\_\_\_

Name of spouse/significant other, registered domestic partner or party with familial duty to be contacted in event of an emergency:

\_\_\_\_\_

Employer: \_\_\_\_\_ Work Phone #: \_\_\_\_\_

Employer Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Personal Vehicle(s): Year      Make      Model      Color      License #

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

\*\* In the event spouse/significant other, registered domestic partner or party with familial duty cannot be located, list others you wish to be notified.

Name                                      Relationship                                      Phone Number


\_\_\_\_\_

\_\_\_\_\_

Date Form Completed: \_\_\_\_\_

EFFECTIVE DATE: November 15, 1999

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

4000.16

**DEATH OR LIFE-THREATENING INJURY  
TO EMPLOYEES**

A. **GENERAL**

This procedure shall apply to the following:

- a. The on-duty or off-duty life-threatening injury of an employee.
- b. The on-duty or off-duty death of an employee.

B. **PROCEDURE**

1. Supervisor's Responsibilities:

- a. The first supervisory officer to be informed of the death or of the life-threatening injury of a Bureau employee, shall immediately notify their supervisor. The supervisor will then notify an Assistant Chief, who will in turn contact the Chief.
- b. The supervisor making the notification shall provide the following information:
  - (1) Name of injured or deceased
  - (2) Date and time of incident
  - (3) Location of incident
  - (4) Explanation of how incident occurred
  - (5) Name specified by employee on Employee Emergency Contact form to be notified
- c. If the life-threatening injury or death appears to be the result of a work-related incident, the employee's immediate supervisor shall complete all necessary paperwork for notification to Worker's Compensation as soon as practical, and forward it to the Assistant Chief of the Administrative Division.
- d. If appropriate, supervisors shall immediately advise any affected employees of counseling services available through the County's Employee Assistance Program and other services available.

## 2. Notification

- a. If the injury or death was work-related and the employee's family is unaware of the incident, the Chief, or his/her designee, will make the notification in accordance with the Bureau employee's Emergency Information Form.
- b. Notification to the party indicated on the emergency information form shall be made in person whenever possible. Whenever impractical due to distance or lengthy time delays, the Chief may designate another law enforcement agency to make immediate notification so that the death or injury is not learned of through a premature media release.
- c. A notice, issued from the Chief, shall be made advising all personnel of the death or life-threatening injury of a Bureau employee. The notice shall contain such information as the Chief deems appropriate.

## 3. Liaison Personnel

- a. When a Bureau employee is killed or sustains a life-threatening injury, the Chief may assign a Bureau employee, or a specific employee of the family's preference, to act as the liaison between the Bureau and the employee's family.
- b. The liaison personnel's responsibilities are:
  - (1) Knowing that this is not a decision making position, but a role of coordinator and facilitator between the Bureau and the family members.
  - (2) Meeting with the family and advising them of what his/her responsibilities are as the liaison personnel.
  - (3) Insuring that the needs of the family are met.
  - (4) Providing transportation for the spouse/next of kin as appropriate.
  - (5) In case of death, meeting with the family regarding funeral arrangements. Making the family aware of what the Bureau provides for them and the employee.
  - (6) Knowing as much information as possible regarding the incident and any investigations, so the family's questions can be answered, if possible.

- (7) In case of death, providing as much assistance as possible. Overseeing arrangements for travel and lodging for out of town family members and insuring that the family is briefed on all funeral procedures.
- (8) Arranging for a benefits coordinator to meet with the family.

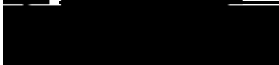
4. Investigation

- a. The Chief will designate an investigating officer to assist or take primary responsibility of any investigation of an employee involved in an on-duty death or life-threatening injury.
- b. Notification to the FBI is required for the death of an on-duty peace officer. The Chief or his/her designee will be the responsible party to make such notification.

Revised 12/12/2005

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: December 12, 2005

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

## 4000.17

### FUNERALS

#### A. GENERAL

The extent to which the Bureau participates in the funeral service or provides other support depends upon the expressed wishes of the family of the deceased.

#### B. PROCEDURE

1. The Chief, or his/her designated liaison personnel, will be responsible for assisting the family of a deceased Bureau employee at the time of the funeral.
2. If a Bureau employee was in active service at the time of his/her death, all investigators should attend the funeral services and the internment, if possible.
2. Employees detailed to attend the funeral of another department employee shall be considered as being on duty while so engaged.
4. Official department vehicles may be used to escort funerals of department employees upon authorization of the Chief.
5. As is the tradition in funerals of peace officers killed on duty, depending on the wishes of the surviving spouse or family, other police agencies are to be invited to attend the funeral of a deceased investigator and the Chief shall assign an employee to coordinate honor guards and funeral escorts. The honor guard shall include investigators of this department. However, other agencies may also assign an honor guard if they so desire.

Revised 12/12/2005

**4000.18****POST TRAUMA INCIDENTS****A. GENERAL**

Bureau employees may become involved in incidents that are unique, psychologically traumatic and stressful. Such exposure may require the assistance of professional counseling services to manage emotional trauma; therefore, the following procedure shall apply:

**B. PROCEDURE**

1. In addition to the County's Employee Assistance Program, and an employee's personal medical provider, psychological services are available to those employees who, as a result of the performance of their duties, are subjected to any of the following:
  - a. Serious injury, death, or suicide of department personnel.
  - b. Officer involved shooting incidents that result in injury or death to another person.
  - c. Any officer involved shooting incident or assault on an officer, whether or not an injury was suffered.
  - d. Any incident involving serious injury or death of a child.
  - e. Any incident involving exposure to, or the possibility of contracting Hepatitis, AIDS, SARS or other infectious diseases.
  - f. Major traffic collisions or any other incidents in which the employee was directly or indirectly involved which results in serious injuries or fatalities.
  - g. Any incident where the employee knows the victim(s) of serious injury or death.
  - h. Any critical incident with circumstances or working conditions that are likely to produce high levels of immediate or delayed emotional reactions (i.e. catastrophic earthquake, airline crash, etc.).
  - i. Any other situation considered to be traumatic in nature.

C. APPLICATION

This policy and procedure shall also apply to those employees indirectly involved, such as coworkers of involved employees or other employees at the scene. In addition to the partners and other employees, joint sessions with spouses or other family members may be authorized at the discretion of the Chief.

1. Situations considered by the Chief or his/her designee to be traumatic to the involved Bureau employee will result in an immediate notification to the Bureau psychologist/psychiatrist. In other instances, the Bureau psychologist/psychiatrist may respond, if required by the circumstances.
2. The Bureau employee will be required to visit the Bureau psychologist/psychiatrist within 24 hours of the incident, or if injured, when a physician gives clearance. Continued counseling will be on the recommendation of the psychologist/psychiatrist.
3. Any Bureau employee involved in a traumatic incident may be reassigned to modified duty or receive a paid leave of absence for a minimum of three days.
4. Psychological consultations and evaluations authorized in this procedure will be at the County's expense. Records of consultations and evaluations will be kept in strict confidence, in accordance with existing legal privileges and medical privacy rights.
5. Follow-up sessions can be directly arranged by the employee with the psychologist/psychiatrist and need not be requested by administrative or supervisory personnel. These contacts are confidential and no reports will be forwarded to the department. Exceptions to this would be fitness for duty evaluations and mandatory reporting exceptions to the confidentiality rule.

D. PROFESSIONAL CONTACT INFORMATION

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

## E. FITNESS FOR DUTY

1. As set forth in Government Code section 1031(f), if a peace officer exhibits physical, emotional, or mental conditions that might adversely affect his ability to exercise the powers of a peace officer, a fitness for duty evaluation may be required by the department. Fitness for duty evaluations can be requested by the Chief or his/her designee and will be conducted by a County approved licensed provider specialist. The findings shall be reported in writing directly to the Chief or his/her designee.
2. If the Chief determines that it is appropriate to refer an employee for psychological examination and evaluation of such an employee's mental or emotional fitness for duty, the Chief or his/her designee shall issue an order in writing to the employee, indicating the date, time, and place of such examination and, in brief form, the factual circumstances giving rise to the concern about the employee's mental or emotional fitness for duty. Any psychologist to whom an employee is ordered to report for fitness for duty examination and evaluation shall meet or exceed the minimum standards prescribed by Government Code section 1031(f).
3. The psychologist engaged to perform fitness for duty mental and emotional examinations is not being consulted by a referred employee for treatment or diagnosis, but is engaged by the Bureau of Investigation to evaluate the employee's mental and emotional fitness for duty. There will be no psychotherapist-patient relationship between the psychologist and the employee, and no privilege of any kind will exist as to any information supplied to the psychologist for any purpose.
4. In order to facilitate the psychologist's examination of any referred employee, the Department will provide to the psychologist all information relating to the circumstances giving rise to the concern about the employee's mental or emotional fitness for duty.
5. The evaluation report submitted by the psychologist to the Department concerning an employee referred for a fitness for duty examination shall be returned to and retained by the examiner, as with pre-employment tests.
6. Any employee ordered to undergo a psychological fitness for duty examination shall comply with the terms of said order or may be subject to disciplinary action.
7. Traumatic situations vary and may require individual assessment or modification. Nothing in this policy and procedure prevents the Chief or his/her designee from exercising discretion in the evaluation of each incident and the application of this policy and procedure.

**4000.19**

**BOMB THREATS**

A. POLICY

[REDACTED]

B. PROCEDURE

1. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. RECEIVING BOMB THREATS

1.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ [REDACTED]

█ [REDACTED]

Rev. 4-24-09

EFFECTIVE DATE: 8/24/12

REVISION DATE: 8/24/12

APPROVAL: 

Mike Smith, Chief – Bureau of Investigation


**4000.20**  
**PROTOCOL FOR HANDLING**  
**THREATS TO DISTRICT ATTORNEY EMPLOYEES**

**A. PURPOSE:**

To provide security and to insure continuity and consistency in the investigation of threats made and the response to threats made against any District Attorney employee.


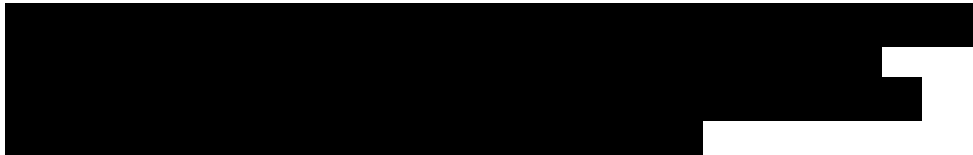
**B. PROCEDURE:**

1. OBJECTIVE

This protocol is intended to provide guidelines to be followed when notified of a threat to any District Attorney employee. 

2. 



- █ [REDACTED]

3. SECURITY

a. [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

4. INVESTIGATION - [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

- █ [REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

5. REPORTING

- a. All cases of possible threats to District Attorney employee's will be documented on the appropriate crime or incident report forms, then forwarded to the assigned Supervising Investigator in charge of the unit of the B of I personnel assigned to the investigation for review.

■

- b. The original report will be forwarded to the Assistant Chief of Operations, and then filed in the Bureau's Central File Room. A copy of the report will also be maintained in the SRT files.

6. DISPOSITION

- a. After review by the Assistant Chief of Operations, a copy of any crime report involving threats to a District Attorney employee will be presented to the prosecutorial office having jurisdiction for filing the case.

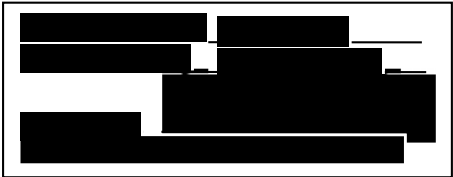
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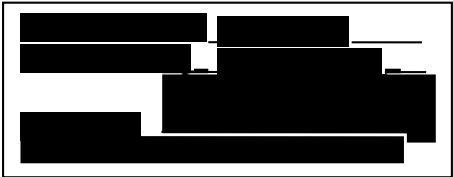
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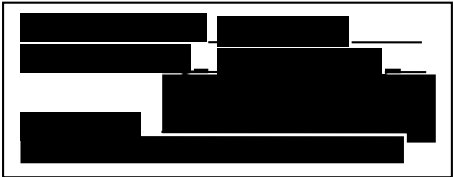
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4000.27

**SEARCH WARRANTS**

A. POLICY

It is the policy of the District Attorney's Office and the Bureau of Investigation that search warrants shall be served in a manner that complies with all applicable state laws and ensures the safety of department personnel, other agency personnel and the public.

B. PURPOSE

To set forth uniform procedures for the service of search warrants, the preparation of operational plans, and the execution of probation and parole searches.

C. GENERAL PROCEDURES

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

D. STEAGALD WARRANTS

1. A Steagald Warrant (Steagald v. United States (1981) 451 U.S.204), enables investigators to use a simplified search warrant form for the specific purpose of searching third party locations for persons named on an arrest warrant. [REDACTED]

2. In the event a Steagald Warrant is desired, it shall be the responsibility of the case investigator to complete the modified search warrant form and affidavit necessary to obtain the warrant.

E. OPERATIONAL PLANS

1. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

2. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

F. BRIEFING FOR THE SEARCH

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

G. EQUIPMENT

- [REDACTED]
- [REDACTED]
- [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

H. SEARCH OF THE PREMISES

■ [REDACTED]

2. The search of the premises will be conducted in a thorough and methodical manner, taking care to prevent damage to any personal property of the owner or occupant of the premises.

3. The case investigator or on-scene supervisor should arrange for the photographing and/or videotaping of the areas to be searched [REDACTED]

I. SEARCH OF PERSONS

■ [REDACTED]

■ [REDACTED]

3. If minor children are present when their parents are arrested, they may be released to the custody of a responsible adult with parental approval. Should a responsible adult be unavailable, the children will be taken into protective custody pursuant to W.I.C. 300. Under no circumstances will a minor child be left unattended or released to the custody of an adult who cannot care for the safety and well-being of the minor.

4. The San Bernardino County District Attorney's Office has enacted an Exposure Control Plan in accordance with the Code of Federal Regulations, Title 29, CFR 1910.1013. effective December 6, 1991. The Exposure Control Plan has been incorporated under Bureau Policy number 4000.28. All investigators shall be familiar with the Exposure Control Plan as it relates to the protection and safety of department personnel who may be called upon to participate in the service of search warrants and arrest warrants. The Exposure Control Plan is intended to minimize the possibility of exposure to airborne and bloodborne pathogens, as well as communicable diseases such as Hepatitis, Tuberculosis and the HIV virus.

J. DOCUMENTATION OF PROPERTY DAMAGE

1. Should damage to personal property occur as a result of forcible entry or by accident, a description of the damage and the circumstances under which it occurred will be documented in the case investigator's report.
2. The on-scene supervisor and the case investigator will be advised and photographs will be taken of the damage.
3. A responsible party for the property will be advised of the damage and of the procedure for filing a claim with the County of San Bernardino.
4. A copy of the investigative report and search warrant will be submitted to the supervisor, who will then prepare a memo to an assistant chief for review.

K. SECURING THE PREMISES

The on-scene supervisor shall ensure that the premises are adequately secured upon leaving. If the premises cannot be secured, the owner shall be advised, or a reasonable attempt will be made to contact a responsible party prior to departing.

L. FINANCIAL INSTITUTION OR RELIABLE BUSINESS

1. A financial institution or reliable business may be defined as major banks, major mortgage companies, real estate companies, governmental agencies and other businesses that are not considered suspect in a case.



M. SUSPECT OR HOSTILE BUSINESS

1. A search warrant on a suspect or hostile business will be handled in the same manner and with the same requirements as searches of other suspect premises.

■ [REDACTED]

3. After all employees are identified, the owner or manager may send the employees home if they are not needed by the case investigator.

N. PROBATION SEARCHES AT A RESIDENCE

1. The guidelines pertaining to search warrants will also govern searches conducted at a residence pursuant to an individual's probation search terms.

■ [REDACTED]

■ [REDACTED]

O. PAROLE SEARCHES AT A RESIDENCE


1. The guidelines pertaining to search warrants will also govern searches conducted pursuant to an individual's parole search terms.

■ [REDACTED]

■ [REDACTED]

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: **December 12, 2005**

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.28**

## **BLOODBORN PATHOGENS EXPOSURE CONTROL PLAN**

### **i. PURPOSE**

The purpose of this Exposure Control Plan is to:

- A. Eliminate or minimize employee occupational exposure to blood and other potentially infectious materials (OPIM).
- B. Comply with the provisions of California Occupational Safety and Health Administration General Industry Safety Orders as contained in Title 8, Section 5193 of the California Code of Regulations [8 CCR 5193].

### **ii. DEFINITIONS [8, CCR, Section 5193(b)]**

- A. "Blood" is any human blood, human blood components, and products made from human blood.
- B. "Bloodborne Pathogens" are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HBC) and human immunodeficiency virus (HIV)
- C. "Chief" is the Chief of the Division of Occupational Safety and Health of the California Department of Industrial Relations or designated representative.
- D. "Contaminated" means the presence or reasonably anticipated presence of blood or other potentially infectious materials on a surface or an item.
- E. "Contaminated laundry" means laundry that has been soiled with blood or other potentially infectious materials or may contain sharps.
- F. "Contaminated Sharps" are any contaminated objects that can penetrate the skin, including, but not limited to needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
- G. "Engineering Controls" are controls (e.g. sharps disposal containers, needles systems with engineered sharps injury protection) that isolate or remove the bloodborne pathogens hazard from the workplace.
- H. "Exposure Incident" is a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.
- I. "Handwashing Facilities" means a facility providing an adequate supply of running potable water, soap, and single use towels or hot air drying machines.
- J. "HBV" means hepatitis B virus.
- K. "HCV" means hepatitis C virus.
- L. "HIV" means Human Immunodeficiency Virus.
- M. "Licensed Healthcare Professional" is a person whose licensed scope of practice includes an activity which this plan requires to be performed by a licensed healthcare professional.

- N. "NIOSH" means the Director of the National Institute for Occupational Safety and Health, U. S. Department of Health and Human Services, or designated representative.
- O. "Occupational Exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
- P. "One-hand technique" means procedure wherein the needle of a reusable syringe is capped in a sterile manner during use. The technique employed shall require the use of only the hand holding the syringe so that the free hand is not exposed to the uncapped needle.
- Q. "Other Potentially Infectious Materials" (OPIM) means the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response; any unfixed tissue or organ (other than intact skin) from a human (living or dead). It also includes any of the following if known or reasonably expected to contain or be infected with HIV, HBV, or HIV; cell, tissue or organ cultures from humans or experimental animals, blood, organs or other tissues from experimental animals, or culture medium or other solutions.
- R. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
- S. "Personal Protective Equipment (PPE)" is specialized clothing or equipment worn or used by an employee for protection against a hazard. General work clothes (uniforms, pants, shirts, or blouses) are not intended to function as protection against a hazard and are not considered to be personal protective equipment.
- T. "Regulated Waste" means liquid or semi-liquid blood or OPIM; contaminated items that would release blood or OPIM in a liquid or semi-liquid state if compressed; items caked with dried blood or OPIM and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or OPIM. Includes "medical waste" regulated by Health and Safety Code §117600 through 118360.
- U. "Sharp" means any object used or encountered that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires, and dental knives, drills, and burs.
- V. "Sharps Injury" means any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks.
- W. "Sharps Injury Log" means a written or electronic record of each exposure incident involving a sharp. The exposure incident shall be recorded on the log within 14 days of the date the incident is reported to the employer.

- X. "Source Individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients, clients in institutions for the developmentally disabled, trauma victims, clients of drug and alcohol treatment facilities, residents of hospices and nursing homes, human remains, and individuals who donate or sell blood or blood components.
- Y. "Universal Precautions" is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
- Z. "Work Practice Controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two handed technique).

### **III. EXPOSURE DETERMINATION**

Exposure determination is made without regard to use of personal protective equipment (PPE). All job classifications within the District Attorney's Office do not have reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

- A. Job Classifications in which ALL employees have Occupational Exposure

None

- B. List of Tasks and Procedures or groups of closely related tasks and procedures in which occupational exposure occurs and that are performed by employees in job classifications listed in III A., above.

- 1. District Attorney employees are to avoid all contact with blood or OPIM. Proper Universal Precautions are to be taken in the unlikely event blood or OPIM is encountered occupationally.

- C. Exposure Control Plan Review

The Exposure Control Plan shall be reviewed annually and whenever necessary by the Department Safety Officer (Chief of the Bureau of Administration) to reflect the items listed below. Additional review will be provided by the County Safety Officer upon request.

- 1. To reflect new or modified tasks and procedures which affect occupational

- exposure;
2. To reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
  3. To document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection (when applicable).
  4. To include new or revised employee positions with occupational exposure;
  5. To review and evaluate the exposure incidents which occurred since the previous update; and
  6. To review and respond to information indicating that the Exposure Control Plan is deficient in any area.

Work Practice and engineering controls are reviewed and evaluated annually by employees impacted by the Bloodborne Pathogen Program and listed in the Exposure Determination section above. Information from the Sharps Injury Log, Bloodborne Pathogen Exposure Report, OSHA 300 Log and new sharps product (specimen collection and sharps containment) information are included in the review. Improvements to work practice and engineering controls are made based on the annual review process. Records of the review/evaluation are maintained by the Department Safety Officer.

#### **IV. METHODS OF COMPLIANCE – GENERAL, ENGINEERING AND WORK PRACTICE CONTROLS**

- A. General; Universal Precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, regardless of the status of the source individual.
- B. Engineering and Work Practice Controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.
  1. Engineering Controls
    - a. Sharps
      - (1) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed except when a medical procedure requires it and there is no alternative. Shearing or breaking of contaminated needles is prohibited.
      - (2) Personnel should not be involved with the use or handling of needles or sharps in a medical or laboratory setting, except for those so assigned. Employees may have contact with needles or sharps when searching persons or places and the safe retrieval and storage is the employee's responsibility. Searching persons shall be accomplished as described below under *Work Practice Controls, c.*

*General Law Enforcement Practice.*

- (a) Sharps retained as evidence: such as syringes, shall be stored in the needle storage tubes provided by the Department. When placing the object in the storage tube, the one hand technique shall be employed.
  - (b) Sharps for disposal: shall be deposited in a sharps disposal container maintained at locations in laboratory and medical facilities as appropriate to ensure easy accessibility to personnel in the immediate area where sharps are used or can be reasonably anticipated. When placing the object in the disposal container, the one hand technique shall be used.
- b. The Sharps Containers shall be puncture resistant, leakproof on sides or bottoms, and bear "Biohazard" labels. Employees SHALL NOT reach by hand into a sharps container to retrieve any item therein.

2. Work Practice Controls

a. Handwashing Facilities

- (1) Handwashing facilities shall be provided which are readily accessible to employees, where feasible.
- (2) Where handwashing facilities are not feasible, antiseptic towelettes SHALL be used. Following the use of antiseptic towelettes, employees SHALL, as soon as feasible, wash hands with soap and water.
- (3) After the removal of gloves or PPE, employees SHALL wash their hands with soap and water as soon as feasible.
- (4) Employees SHALL wash hands and any other skin with soap and water and flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or OPIM.
- (5) Employees SHALL refrain from eating, drinking, smoking and/or applying cosmetics until hands have been washed with soap and water.

b. Food and Drink

- (1) Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are PROHIBITED in work areas where there is a reasonable likelihood of occupational exposure, such areas to be specifically determined by each Station/Division.
- (2) Food and drink shall NOT be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.


c. Medical/Laboratory Practice

- (1) All procedures involving blood or OPIM shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

Gloves SHALL be worn when processing blood and other specimens and protective eyewear/face shields should be worn when mucous membrane contact with blood is anticipated, i.e., removing tops from vacuum tubes.

- (2) Mouth pipetting of blood or OPIM is PROHIBITED.
- (3) Specimens of blood or OPIM shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport or shipping.
  - (a) Container shall be labeled with the "Biohazard" label. Container shall be closed prior to storage, transport, or shipping.
  - (b) If outside contamination of the primary container occurs, it shall be placed within a secondary container that prevents leakage during collection, handling, processing, storage, transport or shipping.
  - (c) If the specimen could puncture the primary container, e.g. a syringe, it shall be placed within a sharps container that prevents leakage during storage, transport or shipping.


d. General Law Enforcement Practice

- 
- (8) Onlookers at autopsies with an opportunity for exposure to blood splashes shall wear protective eyewear/masks/face shields, laboratory coats, and gloves.

e. Evidence Handling Practice

- (1) Eye protection/face masks/shields shall be worn at crime scenes where there is potential for exposure via a splash to mucous membrane. Airborne particles may be generated when dried blood is scraped; eye protection/face masks/shields may be necessary.
- (2) Remain alert for the presence of sharp objects, such as needles, knives, razors, broken glass, nails, or other sharp objects.
- (3) Blood or urine containers transported to Sheriff's Scientific Investigations Division shall meet the requirements above. SID BA/UA kits are acceptable for this purpose.
- (4) Syringes retained as evidence SHALL be placed in approved sharps containers, labeled with a Biohazard label.
- (5) Evidence contaminated with blood or OPIM such as, but not limited to Sexual Assault Kits, clothing, projectiles recovered from bodies, etc. SHALL be packaged as evidence, i.e. NOT IN PLASTIC BAGS, and SHALL bear a Biohazard warning label.
- (6) Evidence tape, not staples, shall be used to seal packages; staples can tear gloves and produce cuts in subsequent handlers of the evidence.

f. Equipment

- (1) Equipment which may become contaminated with blood or OPIM shall be examined prior to servicing or shipping and shall be decontaminated as necessary by the examining employee, unless such decontamination is not feasible. Equipment includes firearms, handcuffs, vehicle interiors, work surfaces, floors, etc. Metal items, such as handcuffs, should NOT be decontaminated with a corrosive germicide such as hypochlorite (bleach) as it may hasten corrosion and impair the proper functioning of the equipment. See Section 4, Housekeeping.
  - (2) A Biohazard label shall be attached to contaminated equipment stating which portion remains contaminated.
  - (3) This information shall be conveyed to ALL affected employees, service representatives, and/or manufacturer as appropriate prior to handling, servicing or shipping so that appropriate precautions may be taken.
- 

### 3. Personal Protective Equipment (PPE)

#### a. Provision

- (1) When there is occupational exposure, the site supervisor shall provide without cost, appropriate personal protective equipment, such as, but not limited to:
  - gloves
  - gowns
  - laboratory coats
  - face shield or masks/eye protection
  - mouthpieces
  - resuscitation bags
  - pocket masks
  - other ventilation devices
- (2) PPE shall be considered appropriate if it does not permit blood or OPIM to pass through or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, and/or other mucous membranes under normal conditions of use and for the duration of time during which it is used.

#### b. Use

- (1) Appropriate PPE SHALL be used at all times.
- (2) An employee may temporarily and briefly decline to use PPE when, under rare and extraordinary circumstances, in the employee's professional judgment, in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the employee.
- (3) In such an instance, the supervisor shall be notified and the circumstances investigated and documented in order to determine whether changes can be instituted to prevent such future occurrences. Such investigation SHALL incorporate the use of the Bloodborne Pathogen Exposure Incident Report.

#### c. Accessibility

The Assistant Chief of the Bureau's Administrative Division shall ensure that appropriate PPE is readily accessible/issued to employees.

- (1) Cleaning of reusable PPE shall be provided without cost to employee.
- (2) Repair/Replacement of PPE shall be provided without cost to employee.

d. Removal /Disposal

(1) Garments

- (a) Garment(s) penetrated by blood or OPIM shall be removed immediately or as soon as feasible. Uniforms and garments may be laundered/cleaned normally.
- (b) ALL PPE shall be removed prior to leaving the work area.
- (c) PPE shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal. Generally, contaminated PPE will be packaged in a Biohazard labeled bag for disposal in the designated Biohazard waste container at a Sheriff's facility.

(2) Gloves

- (a) Gloves shall be worn when it can be reasonably anticipated that an employee may have hand contact with blood, OPIM, mucous membranes, non-intact skin, when performing vascular access procedures and when handling or touching contaminated items or surfaces.
- (b) Single use gloves shall be replaced as soon as practical when contaminated or as soon as feasible if torn, punctured or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse.
- (c) Utility (reusable) gloves may be decontaminated for use if the integrity of the glove to function as a barrier is not compromised, i.e. it is not cracked, peeled, torn, or punctured, or exhibits other signs of deterioration. Utility gloves believed to be compromised shall be disposed of in the manner described above.
- (d) Hypoallergenic gloves, glove liners, powderless gloves, and other similar alternatives shall be accessible to those employees who are allergic to gloves otherwise provided.

(3) Masks / Eye Protection /Face Shields

- (a) Masks used in combination with eye protection devices such as goggles or glasses with side shields or chin-length face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated, such as medical procedures in which aspirated blood may be

present, or at autopsies.

(4) Gowns / Aprons / Other Protective Body Clothing

- (a) Appropriate clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations, such as medical procedures in which aspirated blood may be present, or at autopsies, the type and characteristics depending upon the task and degree of exposure anticipated.
- (b) Surgical caps or hoods and/or shoe covers or boots shall be worn whenever gross contamination can be reasonably anticipated, such as autopsies.

4. Housekeeping

- a. General; Site supervisor shall ensure that worksites are maintained in a clean and sanitary condition. Individual Divisions shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.
- b. Equipment/Surfaces shall be cleaned and decontaminated after contact with blood or OPIM.
  - (1) Contaminated work surfaces shall be decontaminated with an EPA registered disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or OPIM; at the end of the work shift since the surface MAY have become contaminated since the last cleaning. The EPA registered disinfectant shall be used in accordance with packaging instructions. No other "home remedy" type cleaning solutions shall be used for disinfecting purposes within any Department facility.
  - (2) Coverings, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the shift in which they MAY have become contaminated since the last cleaning.
  - (3) Receptacles such as bins, pails, cans, etc. intended for reuse which have a reasonable likelihood for becoming contaminated with blood or OPIM shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
  - (4) Broken glassware which MAY be contaminated shall NOT be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dustpan,

tongs, or forceps.

- (5) Reusable sharps that are contaminated with blood or OPIM shall not be stored or processed in a manner that requires employees to reach by hand into a container where these sharps have been placed.

c. Waste

- (1) Contaminated sharps shall be discarded immediately or as soon as feasible in containers designated above for this purpose.
  - (a) Sharps containers shall be maintained upright throughout use.
  - (b) Shall be disposed of and replaced when 3/4 full.
  - (c) Sharps containers for removal or disposal shall be closed prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. The sharps container shall be placed in a secondary container if leakage is possible.
- (2) Other regulated waste shall be placed in closable, leak proof, biohazard labeled containers which are closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping. The regulated waste container shall be placed in a secondary container if leakage is possible.
- (3) Biohazardous material may be disposed of by placing it in biohazard containers located at area hospitals, WVDC, GHRC, CDC or SID.

d. Laundry

- (1) Laundry shall be handled using Universal Precautions.
- (2) Contaminated laundry should be handled as little as possible with minimum agitation.
- (3) Contaminated laundry shall be bagged or containerized at the use location and not sorted or rinsed there.
- (4) Containerized laundry shall be placed and transported in biohazard labeled containers. When a facility uses Universal Precautions in the handling of all soiled laundry, labeling is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions.
- (5) Whenever contaminated laundry is wet and presents a reasonable likelihood of soakthrough or of leakage from the bag or container, the laundry shall be placed and transported in containers to prevent such leakage or soak-through.

- (6) When a facility ships contaminated laundry off-site to a second facility which does not use Universal Precautions in the handling of laundry, the generating facility must place such laundry in Biohazard labeled containers.

**V. HEPATITIS B (HBV) VACCINATION**

- A. The Department shall make available the HBV vaccine/vaccination series to employees who have occupational exposure.
- B. All medical evaluations and procedures, including HBV vaccine, vaccinations, post-exposure evaluation, follow-up, and laboratory tests shall be provided without cost to the employee, at the Center for Employee Health located at Arrowhead Regional Medical Center, under the supervision of a licensed physician or healthcare professional. All medical evaluations and procedures shall be in accordance with current recommendations of the U. S. Department of Health, Public Health Service, Centers for Disease Control.
- C. HBV vaccinations shall be made available to employees after they have had the training outlined herein and within 10 working days of initial assignment. HBV vaccination shall be provided to all employees who have occupational exposure unless the employee:
  - 1. has previously completed the HBV vaccination series
  - 2. antibody testing has revealed the employee to be immune
  - 3. or vaccine is medically contraindicated
- D. Pre-screening shall not be a prerequisite for HBV vaccination.
- E. Employees who decline the HBV vaccination SHALL sign the HBV Vaccine Declination statement.
- F. The department shall make available to an employee who initially declines HBV vaccination, but who at a later date is still covered by this standard, the HBV vaccination if the employee so chooses.

**VI. POST-EXPOSURE EVALUATION and FOLLOW-UP**

- A. ALL exposure incidents SHALL be reported, investigated, and documented. Exposure incidents shall be reported to the supervisor as soon as feasible after the incident, but in every case by the end of the work shift during which the incident occurred. The supervisor shall complete the Bloodborne Pathogen Exposure Incident Investigation Report. The supervisor completing the Report shall ensure the healthcare professional responsible for evaluating an employee after an exposure incident is provided a copy of that report by having the exposed employee hand carry a single copy of the report to the healthcare professional.
- B. Source individual's blood shall be tested as soon as feasible in order to determine infectivity. If consent is not obtained, the Supervising District

- Attorney shall establish that legally required law does not require consent, the source individual's blood, if available, shall be tested and results documented.
- C. All employees who incur an exposure incident will be offered post-exposure evaluation and follow-up. All post-exposure follow-up must be performed from among the list of approved health care providers provided by the Department of Risk Management – Safety Division.
  - D. Procedure; The following procedures are established to protect the health of Department employees who may suffer an EXPOSURE INCIDENT as defined in Title 8, California Code of Regulations, General Industry Safety Orders, Section 5193, Paragraph (b).

As required by Title 8, California Code of Regulations, General Industry Safety Orders, Section 5193, Paragraph (f) 3(B) 4, the medical evaluation/follow-up protocol provided to Department employees is in accordance with current recommendations of the U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control.

## **VII. HAZARD COMMUNICATION TO EMPLOYEES**

- A. Labels / Signs
  1. Supervising Investigators shall ensure that labels and signs are affixed to:
    - a. Containers of regulated waste
    - b. Refrigerators and freezers containing blood or OPIM,
    - c. Containers used to store, transport, or ship blood or OPIM except as provided below,
    - d. Contaminated equipment; shall also state the portions of the equipment contaminated.
  2. Label shall
    - a. include either the Biohazard symbol or the legend "Biohazardous Waste".
    - b. be fluorescent orange or orange-red or predominantly so, with lettering and symbols in contrasting color.
  3. Red bags or containers may be substituted for labels, above, for sharps containers or regulated waste bags. Regulated waste bags shall be color coded red.
  4. Blood, blood components, or blood products so labeled and released for transfusion are exempt from the above.
  5. Individual containers of blood or OPIM placed in a labeled container for storage, transport, shipment, or disposal are exempt.
- B. Training
  1. Supervising Investigators are responsible for providing training
    - a. At the time of initial assignment to tasks where occupational exposure may take place.
    - b. Annually thereafter within one year of previous training
    - c. When changes such as modification of tasks or procedures or

institution of new tasks or procedures affects the employee's occupational exposure. Additional training may be limited to addressing new exposures.

- d. Which in content and vocabulary is appropriate to educational level, literacy, and language of employees.
- e. Including the following, at a minimum:
  - (1) Accessible copy of text of standard and explanation of contents,
  - (2) General explanation of epidemiology and symptoms of bloodborne diseases,
  - (3) Modes of transmission,
  - (4) Explanation of Exposure Control Plan,
  - (5) Methods of recognizing tasks with potential exposure,
  - (6) Explanation of the uses and limitations of methods to reduce exposure, including engineering controls, work practices and PPE,
  - (7) Information on the types, uses, location, removal, handling, and disposal of PPE,
  - (8) Explanation of the basis of selection of appropriate PPE,
  - (9) Information on the availability and cost of HBV vaccination,
  - (10) Appropriate emergency actions,
  - (11) Exposure Incident procedure,
  - (12) Post-exposure evaluation and follow-up information,
  - (13) Information on appearance and meaning of Biohazard label, and
  - (14) Opportunities for questions and answers.
- f. Code of Safe Work Practices
  - (1) See Appendix A

## **VIII. RECORD KEEPING**

### **A. Medical Records**

- 1. Medical records shall be established for each employee with occupational exposure to be maintained by the County Safety Officer, which shall include:
  - a. Name of employee,
  - b. Social Security number,
  - c. Copy of employee's HBV vaccination status, including dates of all HBV vaccinations,
  - d. Medical records relative to the employee's testing and follow-up procedures as required above,
  - e. Copy of all test results of examinations, medical testing, and follow-up procedures as required above,
  - f. Employer's copy of healthcare professional, written opinion, and



**Bloodborne Pathogens Program  
Code of Safe Work Practices**

1. San Bernardino County employees whose employment may result in personal contact with human body fluids, unfixed tissue/organs, cell or tissue cultures, are to unequivocally assume that all such agents are infectious for Human Immunodeficiency Virus (HIV) and/or Hepatitis B Virus (HBV) and/or other bloodborne pathogens.
  - a. Appropriate protective gloves by employees who may come into contact with any source of exposure as described in 1 above;
  - b. Protective eyewear or face shields where splash or mist exposure may be reasonably anticipated;
  - c. Protective gloves designed to be impervious to cuts or punctures where contact with contaminated metal, broken glass, or other sharp objects may be reasonably anticipated (vehicle accidents or disaster / emergency situations);
  - d. Protective long sleeve gowns and protective shoe coverings where personal clothing / shoes or arms may be reasonably anticipated to become soaked or splashed with infectious agents.
2. County employees whose work activity may reasonably be anticipated to have the potential for personal contact (eyes, mouth, mucous membrane, skin, open wound) with the agents described in 1 above, shall follow established work rules and engage in work practices to avoid such personal contact.
3. All personal contact with infectious agents as defined in 1 and 2 above shall be reported immediately to the employee's supervisor as an "Exposure Incident".
4. Employees shall use protective clothing and/or equipment, which is provided by the County of San Bernardino, when any personal contacts as described in 1 and 2 above may be reasonably anticipated during the course of employment.
5. Minimum protective equipment / clothing where contact with infectious agents may be reasonably anticipated is as follows:
  6. A law enforcement employee should use great caution in searching the clothing of suspects. Individual discretion, based upon the current circumstances, should determine if a suspect or prisoner should empty their own pockets, or if the law enforcement employee's skills should be used in determining the contents of a suspect's clothing.
  7. A flashlight should be used to search hidden areas. Whenever possible, use long handled mirrors and flashlights to search such areas.
  8. If searching a purse, contents should be emptied from the purse by turning it upside down over a surface on which the contents can be examined before touching them.
  9. Employees shall promptly wash hands and exposed skin upon removal of protective clothing / equipment.

- Employees shall immediately wash exposed areas following an "exposure incident".
10. Protective clothing / equipment as well as contaminated personal clothing shall be removed prior to leaving a contaminated area and proceeding to a non-contaminated area.
  11. Infectious waste, used protective clothing / equipment, contaminated personal clothing / equipment and the products of contaminated spills clean-up shall be processed as described in the San Bernardino County Bloodborne Pathogens Program.
  12. Broken contaminated glass or other objects are not to be cleaned up by hand, gloved or otherwise. Brooms, dustpans, pieces of wood, cardboard or other such items are to be used in a way so as to avoid the possibility of a cut or other wound.
  13. Sharps, syringes, and all other contaminated items presenting the potential of a cut or puncture wound, are to be disposed of or placed for transport into a hard container designated and identified for such disposal or transport to the requirements of the San Bernardino County Bloodborne Pathogens Program.
  14. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses while wearing contaminated protective clothing / equipment or working in an environment where contact with infectious agents may be reasonably anticipated is strictly prohibited.
  15. Food, drink, or condiments shall not be kept in refrigerators, freezers, shelves, cabinets, on counter or bench tops, or in work areas where contact with infectious agents may be reasonably anticipated.
  16. Used needles and other used sharps shall not be bent, recapped, or removed except as indicated below. Shearing or breaking of used needles is prohibited.
    - a. Used needles and sharps shall not be recapped or removed unless it can be demonstrated that no alternative is feasible or that such is required by a specific medical procedure;
    - b. If recapping or removal is demonstrated to be necessary, the task must be accomplished through the use of mechanical device or one-handed technique.
  17. Employees are prohibited from reaching into or manually compacting any container which may be reasonably anticipated to contain used needles, sharps, or other contaminated waste.
  18. County employees as described in 01 above shall review the County of San Bernardino Bloodborne Pathogens Programs at the time of assignment, following changes or revisions to the program, and at last annually.
  19. Without exception, protective gloves are to be put on prior to providing any first aid or emergency medical treatment.

20. Without exception, protective eyewear is to be put on prior to providing any first aid or emergency medical treatment
21. Without exception, pocket masks or other such barrier devices are to be used whenever CPR is rendered.

*APPENDIX "B"*

**BLOODBORNE PATHOGEN PROGRAM  
APPROVED MEDICAL FACILITIES**

Revised April 21, 2005

The County of San Bernardino, through Risk Management Safety, provides funding and administration of Hepatitis B immunization for at risk employees, and post incident medical evaluation/follow up for exposure incidents involving bloodborne pathogens. Costs of the above referenced medical treatment or services will be paid by Risk Management Safety as long as such treatment is provided by and at the medical facilities listed below.

► **Such treatment provided by any other medical facility will either be paid by the employee (if he or she selected the facility) or by the Department involved if the employee was referred by a person in authority within the Department.**

The costs of this treatment are not compensable under San Bernardino County's Workers' Compensation Program. It is therefore important that employees be referred to the correct medical facilities listed below:

<b><u>Hepatitis B Vaccinations</u></b>	<b><u>Bloodborne Pathogen Exposure Treatment</u></b>
<p><b>COLTON</b>  <b>Center for Employee Health  at ARMC</b>  400 N. Pepper Ave  Colton  (909) 580-1701  M-Fri 8-5</p> <p><b>HIGH DESERT &amp; MORONGO BASIN</b>  Contact <u>Center for Employee Health</u>  for special on-location arrangements  (909) 580-1701</p> <p><b>SHERIFF'S ACADEMY</b>  Contact <u>Center for Employee Health</u>  for current time and date schedule  (909) 580-1701</p>	<p><b>COLTON</b>  <b>Center for Employee Health  at ARMC</b>  400 N. Pepper Ave  Colton  (909) 580-1701  M-Fri 8-5 use ARMC emergency room after hours</p> <p><b>VICTORVILLE</b>  <b>Desert Valley Primecare Medical Group</b>  12401 Hesperia Rd., Suite #9 &amp; #10  (760) 245-2474  Hours 8-5 (closed 12-1:30 lunch)  Closed Sat &amp; Sun</p> <p><b>ADELANTO</b>  <b>Desert Valley Primecare Medical Group</b>  11499 Bartlett Ave.  (760) 246-8000  Hours: 8-5, Mon, Tues, Thur  (closed 12-1:30 lunch)  Wed, Fri 8 -12:00  Closed Sat &amp;Sun</p> <p><b>NEEDLES</b>  Province Needles Desert Hospital  1401 Bailey Ave.  (760) 326-7272  24/7</p>

If you have further questions, contact Risk Management Safety at (909) 386-8625

**EMPLOYEE ACKNOWLEDGEMENT OF  
BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN**

I have read and understand the proceeding safe work practices. I am aware that in addition to increasing risk and possibility of serious illness, a serious and willful failure to comply with these work rules could result in a significant reduction in my benefits, per California Labor Code Section 4551, should an occupational illness result from such failure.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Employee ID: \_\_\_\_\_

**4000.29**

**TRAFFIC STOPS & VEHICLE PURSUITS**

A. PURPOSE

1. The purpose of this policy is to provide the guidelines to be followed prior to, during and after a vehicular pursuit.

B. POLICY

1. PURSUITS OF SUSPECTS IN DISTRICT ATTORNEY UNITS

- a. It is the policy of the District Attorney's Bureau of Investigation ("Bureau") to protect all persons' lives and property when enforcing the law. Additionally, it is the responsibility of the Bureau to establish policies that facilitate the safe performance of its duties by the Bureau's sworn investigators ("investigators").
- b. Further, it is the policy of the Bureau that it is generally not a first responder law enforcement agency, and that pursuits shall be avoided unless the terms and procedures set out in this policy are considered and warrant a pursuit.
- c. No assignment shall be of such importance, and no task shall be expedited with such speed, that the principals of safety become secondary.
- d. The Bureau's emergency vehicles ("emergency vehicle(s)") assigned to its investigators are unmarked vehicles equipped with emergency equipment (red light and siren) used for law enforcement purposes.
- e. This policy is intended to comply with the provisions of Vehicle Code section 17004.7.

C. DEFINITIONS

1. TRAFFIC STOP

- a. A traffic stop is the process when an investigator, while on duty in an emergency vehicle, activates his/her red light and/or siren and based upon reasonable suspicion or probable cause that a public offense has been or is being committed, causes the operator of a motor vehicle to stop their vehicle in compliance with the demands of the Vehicle Code.

## 2. PURSUIT

- a. A pursuit is an active attempt by an investigator, while on duty in an emergency vehicle with its red light and siren activated, to complete a traffic stop of a moving vehicle, and where the driver of such vehicle is aware of the investigator's attempt and is resisting apprehension by refusing to stop.

## D. PROCEDURES

### 1. TRAFFIC STOPS

- a. Traffic stops with the use of emergency vehicle equipment (red light and/or siren activated) may be used by an investigator only in the following circumstances and then in compliance with applicable Vehicle Code provisions:

- I. To make an arrest.
- II. To assist other law enforcement agencies in a joint operation.
- III. To apprehend a dangerous felon.
- IV. In life-threatening or serious injury situations when the purpose is for the protection and preservation of life.
- V. To serve a search warrant, arrest warrant or other lawful process.

- b. Prior to conducting a traffic stop, the investigator shall make radio contact with the jurisdiction's law enforcement agency where the traffic stop will take place. If such contact cannot be established, radio notification shall be made to the Bureau's Central Dispatch center, followed by contacting the local law enforcement jurisdiction as soon thereafter as possible. Initiating a traffic stop without the presence of a marked law enforcement vehicle, or back-up law enforcement personnel should be avoided whenever possible.

### 2. VEHICLE PURSUITS

- a. Unmarked units not equipped with emergency lights and sirens are prohibited from becoming involved in traffic stops and pursuits.
- b. Generally, Bureau emergency vehicles should not be utilized for pursuits. Investigators driving emergency vehicles shall avoid initiating pursuits and, if involved in a pursuit, shall immediately

relinquish a pursuit to marked law enforcement units. Investigators driving emergency vehicles shall make every effort to anticipate the possible actions of a suspect and take every precaution to provide adequate marked law enforcement unit coverage, should the possibility of a pursuit exist.

- c. If the subject of a traffic stop fails to yield to the investigator's emergency vehicle, vehicle pursuits will not be initiated by the investigator except in the following situations, and then only after initial and continued consideration by the investigator of terms and procedures of this policy, and in compliance with applicable provisions of the Vehicle Code:
  - i. The suspect being sought has committed a violent felony, the nature of which dictates that the suspect's successful escape causes an imminent threat to the lives of community members; or,
  - ii. The suspect is presenting an immediate danger to the life or lives of others.
- d. Prior to and during a pursuit that has been initiated by an investigator in an emergency vehicle, the investigator will conduct a continuous evaluation of the risk presented by considering the nature of the violent felony or the danger the suspect is presenting to the lives or lives of others for which the suspect is being pursued, and should decline or disengage from the pursuit if the danger to the investigator, other peace officers, innocent motorists, or other members of the public in pursuing the suspect outweighs the nature of the violent felony or the danger the suspect is presenting to the lives or lives of others. This decision will be made by the pursuing investigator, the ranking investigator on scene, and by a Supervising Investigator. The decision of the ranking investigator will be complied with immediately.

Additionally, a pursuit shall be terminated when:

- i. So ordered to do so by a Supervising Investigator, Assistant Chief Investigator or the Chief.
- ii. If there is a clear and unreasonable danger to the investigator, other peace officers, innocent motorists, or other members of the public that outweighs the necessity for immediate apprehension.
- iii. The suspect(s) identity has been established and there is no need for immediate apprehension.

- iv. The primary unit loses visual contact with the suspect for a reasonable period of time and the pursued vehicle's location is no longer definitely known.
  - v. When the pursuing investigator knows that a suspect who does not appear to have the mental or emotional ability to understand the dangers involved is operating the vehicle.
  - vi. When an emergency vehicle involved in the pursuit experiences equipment failure or malfunction (such as emergency equipment, brakes or radio failure).
  - vii. The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit is futile.
- d. A pursuing investigator and supervisor shall consider the following factors when choosing to initiate, continue or terminate a pursuit and in determining what speed to travel at during the pursuit:
- I. Ongoing evaluation of risk to the public or pursuing investigator/peace officer, as described in this policy.
  - II. The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.
  - III. Vehicular or pedestrian traffic safety and volume.
  - IV. Weather conditions.
  - V. Traffic conditions.
  - VI. Speeds.
  - VII. Availability of air support.
  - VIII. Offender is identified and may be apprehended at a later time or when the location of the pursuit vehicle is no longer known.
  - IX. The seriousness of the offense.
  - X. The condition of the road surface upon which the pursuit is being conducted.

- XI. The performance capabilities of the pursuit/ emergency vehicle.
  - XII. The location of the pursuit.
  - XIII. The time of day.
  - XIV. The familiarity of the investigator(s) with the area of the pursuit.
  - XV. The quality of the communications between the emergency vehicles involved in the pursuit and the dispatchers and supervisors.
  - XVI. Whether the suspect is a juvenile.
- e. Should a pursuit situation develop, the involved investigator's emergency vehicle will be the primary unit until the arrival of marked law enforcement vehicles. The primary unit is the first or closest unit immediately behind the pursued vehicle. In addition, the investigator initiating a pursuit shall immediately notify, by radio, the Bureau's Central Dispatch center, or the local law enforcement agency in whose area the pursuit is taking place that they are in pursuit and the information identified in this policy.
  - f. An investigator initiating a pursuit shall operate the emergency vehicle's red light and siren and shall continue to operate the red light and siren throughout the pursuit.
  - g. The pursuing investigator shall have the dispatcher from the Bureau's Central Dispatch center, or the local law enforcement agency in whose area the pursuit is taking place, contact a Supervising Investigator to advise of the pursuit as soon as practical.
  - h. The primary unit pursuit investigator is responsible for:
    - I. Notifying the dispatcher from the Bureau's Central Dispatch center, or the local law enforcement agency in whose area the pursuit is taking place, that they are in pursuit.
    - II. Providing the following information:
      - 1. The violation/reason for the pursuit;
      - 2. Suspect vehicle description and license plate number;
      - 3. Location, speed and direction of travel of the fleeing

- vehicle;
  - 4. The number, age and description of the vehicle occupants;
  - 5. Traffic conditions.
- i. The pursuing investigator will continue to communicate with the Bureau's Central Dispatch center, or the local law enforcement agency in whose area the pursuit is taking place, and request marked law enforcement units to take over the pursuit as soon as possible.
  - j. No more than two Bureau emergency vehicles will participate in a pursuit. As soon as a marked law enforcement vehicle has taken over pursuit, Bureau emergency vehicles will disengage from actual pursuit and follow at a safe speed, observing traffic laws. In this situation, Bureau emergency vehicles that have disengaged from the actual pursuit will monitor the pursuit by radio until the pursuit terminates. At the point of termination, the investigators involved will present themselves to the on-scene supervisor and assist in an appropriate manner.
  - k. The availability of air support shall be determined and requested if available. If air support is available, the pursuing investigator shall determine the feasibility of continuing the pursuit by communicating either directly or indirectly with the flight personnel providing assistance.
  - l. It is the responsibility of all investigators to be familiar with the attached San Bernardino County Memorandum of Understanding for Inter-Agency Vehicle Pursuits incorporated in this policy.
  - m. Investigators who engage in law enforcement activities that are not in compliance with this policy are acting beyond the course and scope of their duties. This may expose them to liability in a civil suit brought as a result of their actions, as well as disciplinary action by the Department.

E. PURSUIT ALTERNATIVES

1. Consideration must be given to alternative methods of apprehension prior to and during the pursuit. Examples include:
  - a. No pursuit – When a suspect has too much lead-time and the likelihood of apprehension is unlikely, a pursuit should not be initiated or continued.
  - b. Following at a safe speed – In some situations, where an attempted escape is likely, the investigator should consider following at a safe speed and distance, observing all traffic laws, until adequate assistance is in place to minimize the likelihood of a pursuit, such as:
    - (i) When hostages are involved;
    - (ii) When a vehicle occupant is known to be armed and dangerous;
    - (iii) In areas of heavy traffic congestion.

F. “CODE THREE” (EMERGENCY SITUATION WHERE RED LIGHT AND SIREN ARE ACTIVATED) DRIVING TACTICS

1. Code Three is the operation of an emergency vehicle with the emergency lights activated and sounding of a siren. “Code Threes” are life threatening emergency situations that include pursuits authorized by the terms and procedures of this policy.
2. It is imperative an investigator maintain self-control, exercise good judgment and drive with due regard for the safety of all persons using the highway.
3. Avoid passing on the right.
4. Keep near the center of the roadway so oncoming vehicles can see the red light approaching.
5. Approach all intersections with extreme caution, stopping before proceeding through the intersection if necessary.
6. If involved in a collision, notify a Supervising Investigator immediately.
7. Keep the emergency vehicle under control at all times.
8. To the degree possible, maintain a safe distance between the Investigator’s emergency vehicle and other vehicles.

9. The law gives an investigator the right of way when the siren and red light are in operation, however the investigator must give the motorist and pedestrian the opportunity to yield.

**G. POST- PURSUIT APPREHENSION**

1. Once the pursuit has terminated, investigators shall evaluate the safety of the public and investigator(s)/peace officers during the law enforcement effort to capture an offender in determining whether the investigator will conduct a felony vehicle stop and arrest if there are no uniformed officers in marked patrol cars at the scene or wait until the arrival of uniformed officers in marked patrol cars.
2. If uniformed officers in marked patrol cars are present, investigators may assist them in conducting the felony stop and arrest.

**H. AUTHORIZED INTERVENTION**

1. Intervention tactics by DA Investigators driving unmarked vehicles are prohibited.

**I. SUPERVISOR'S RESPONSIBILITIES**

1. Once a Supervising Investigator ("supervisor") becomes aware of a pursuit involving an investigator, the supervisor shall:
  - a. Monitor the pursuit.
  - b. Ensure that no more than the required or necessary emergency vehicles are involved in the pursuit.
  - c. Determine the circumstances that led to the pursuit.
  - d. Drive to the pursuit termination point to provide assistance, oversight, and supervision.
  - e. Order the investigator to terminate the pursuit when, in the supervisor's opinion, the pursuit, or the continued pursuit, is not justified under the terms and procedures of this policy.
  - f. Notify an Assistant Chief of the pursuit and provide information concerning the nature of the pursuit.
  - g. In compliance with Vehicle Code § 17004.7(c), schedule and conduct a "debriefing" with the investigators and officers from

assisting agencies involved in the pursuit as soon as practical in order to analyze the pursuit. Areas identified as requiring improvement shall be reported to an Assistant Chief for inclusion in the Administrative Review.

- h. Ensure a CHP pursuit report is completed in compliance with Vehicle Code §14602.1.

J. ADMINISTRATIVE REVIEW

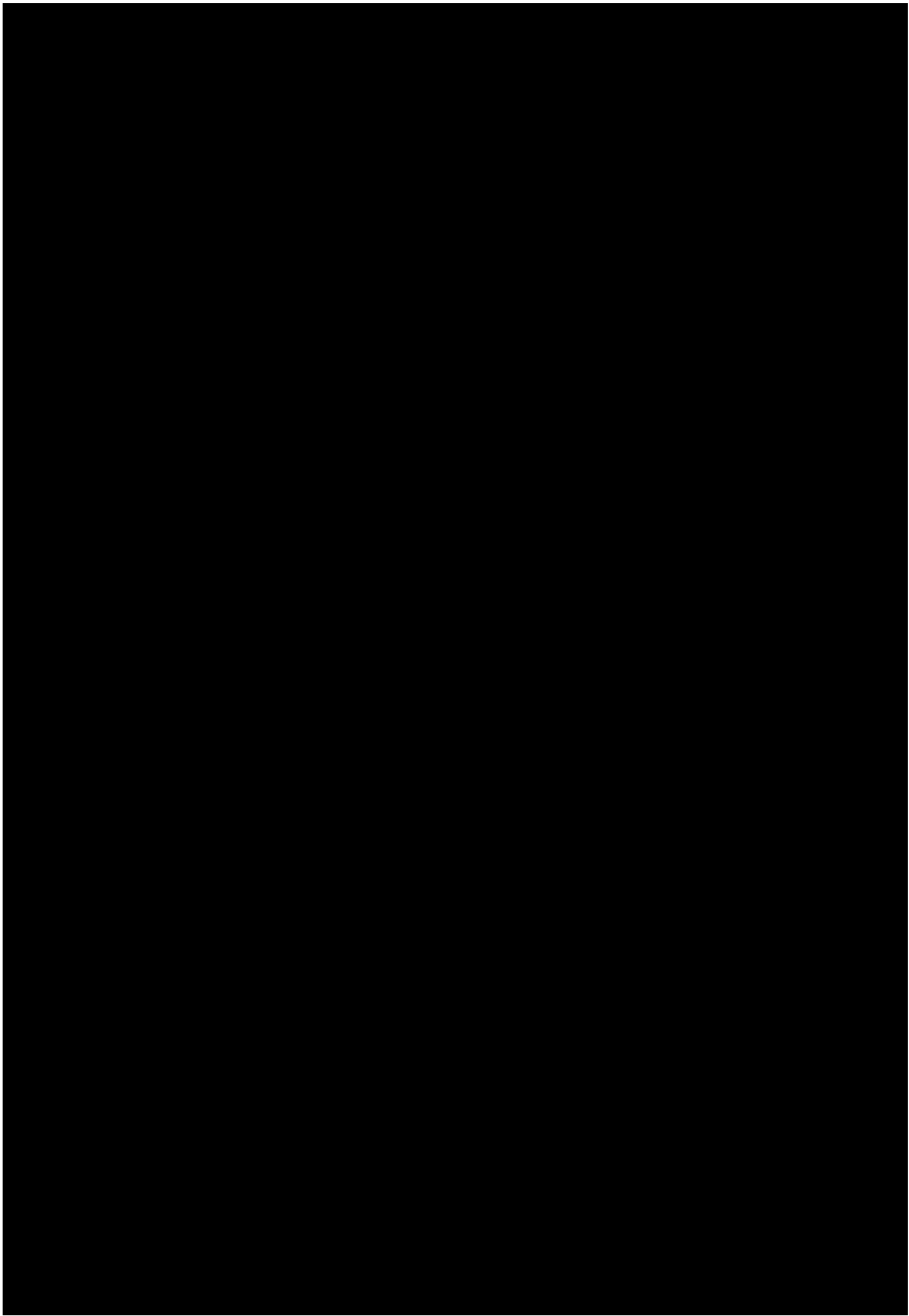
- 1. An Assistant Chief shall conduct an administrative review of any pursuit to ensure that the pursuit was conducted in compliance with Bureau policies. The administrative review should also include a critique of the incident.

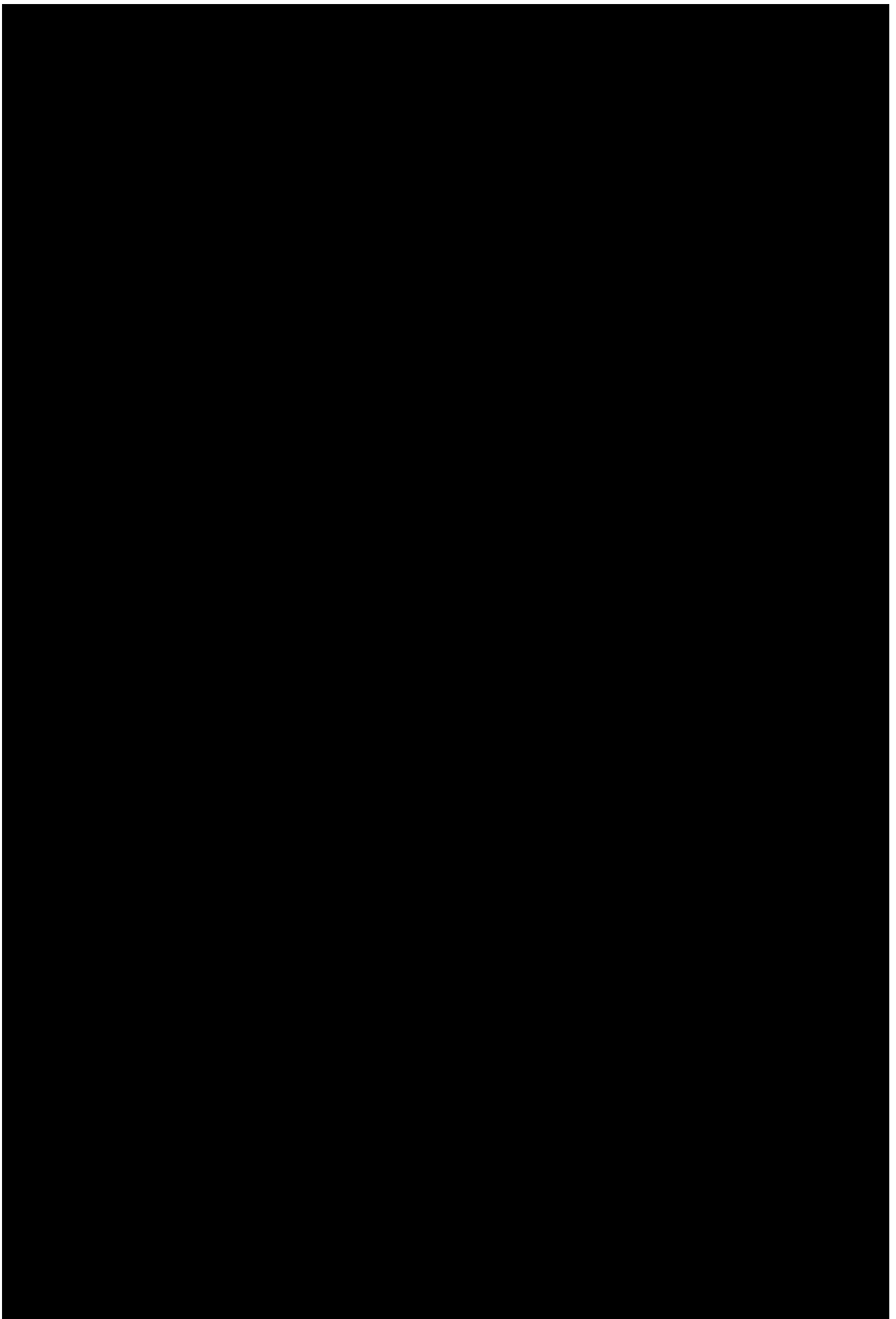
1. ANNUAL TRAINING

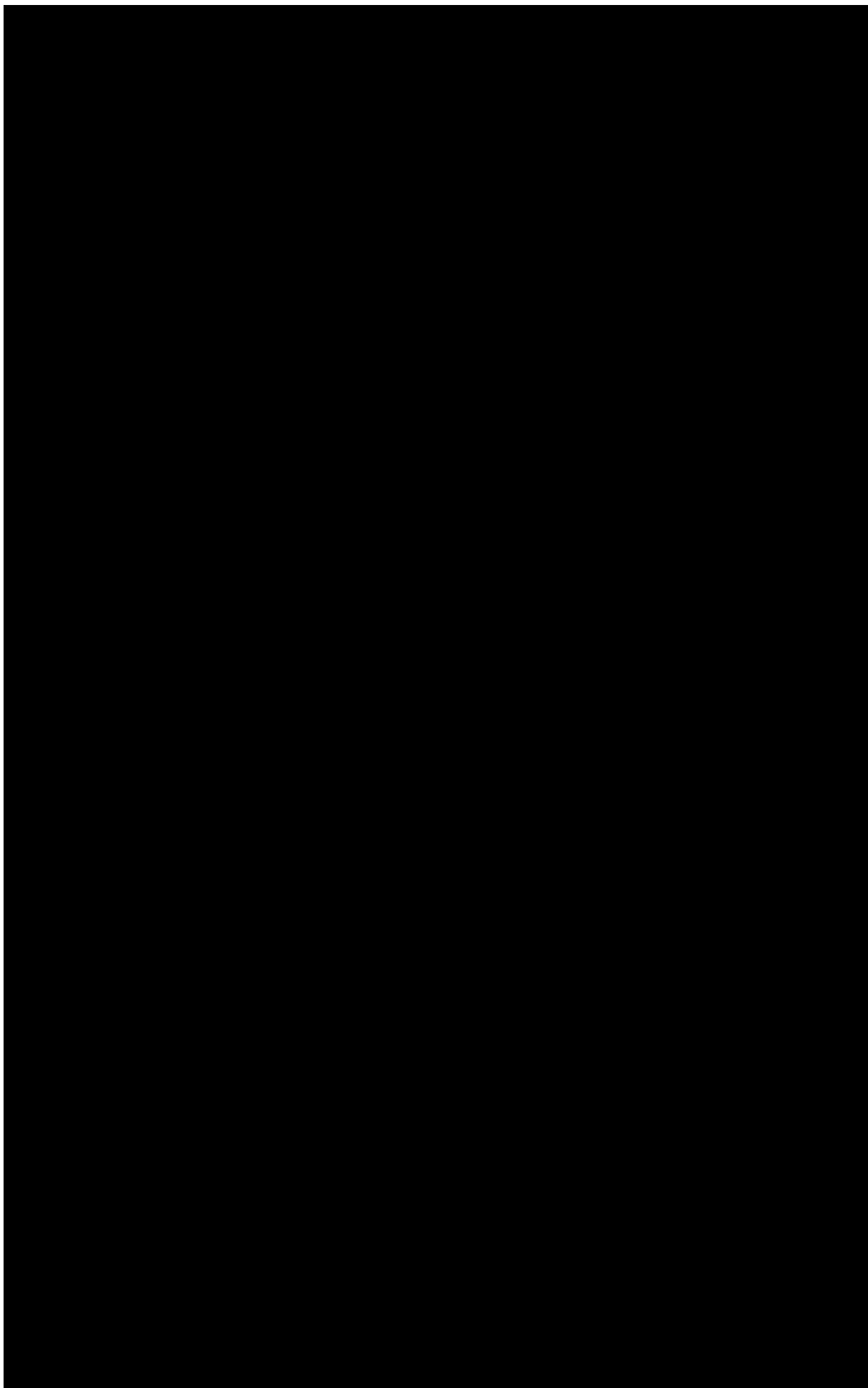
- 1. In compliance with the requirements of California Vehicle Code § 17004.7, Annual Training will be provided to investigators who operate emergency-equipped vehicles.
- 2. The training will include the requirements of California Penal Code § 13519.8

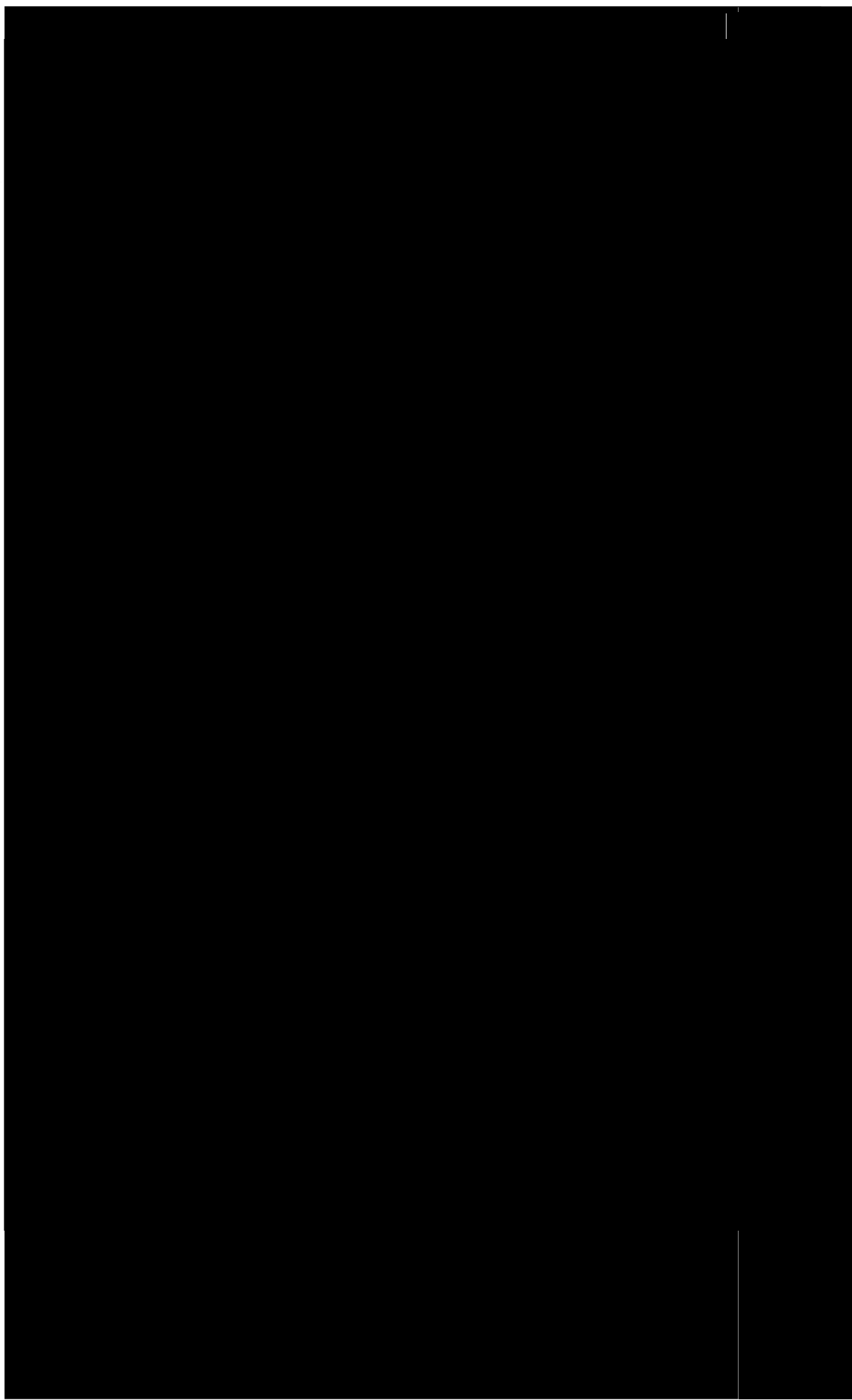
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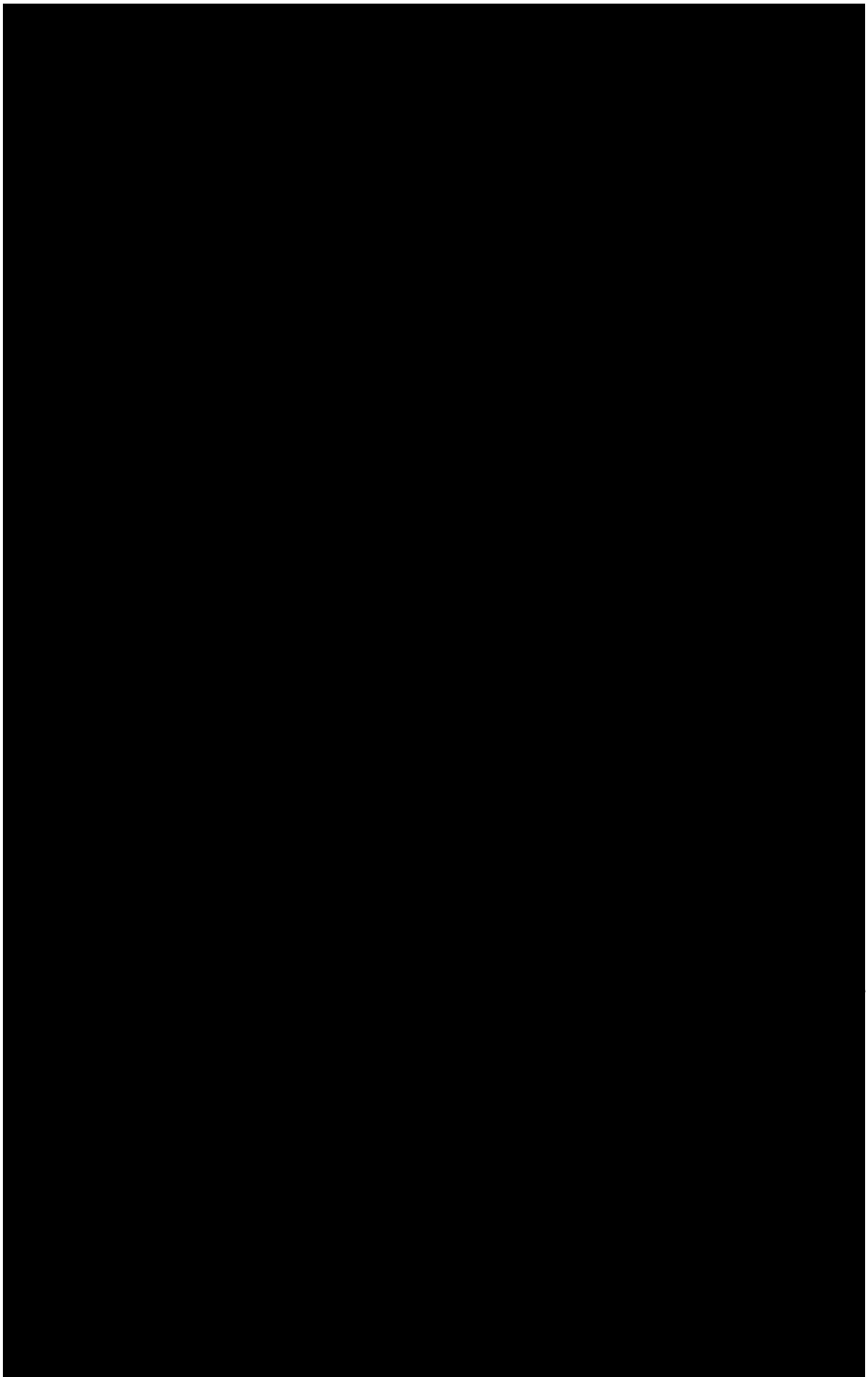
Revised 03/26/2007

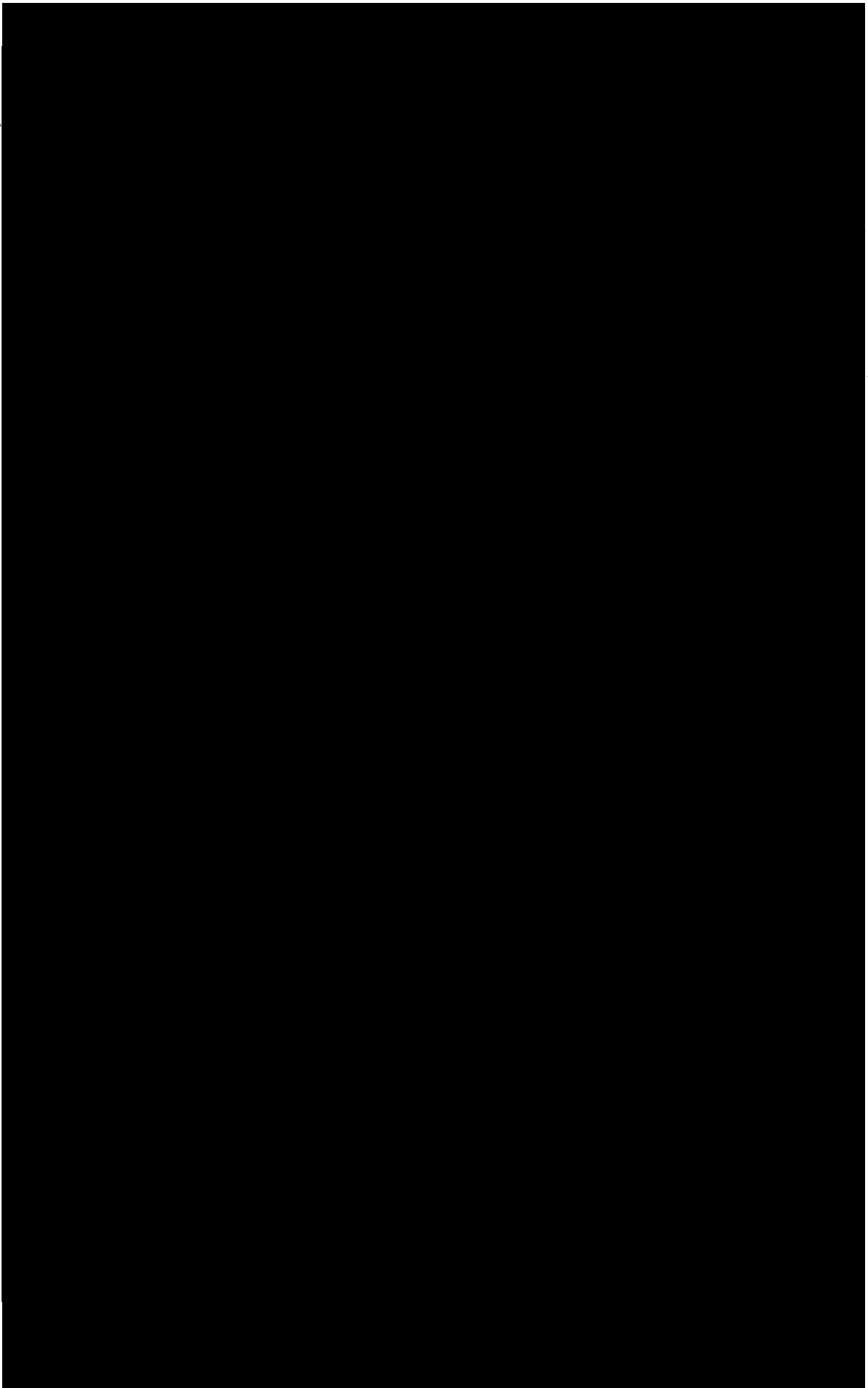


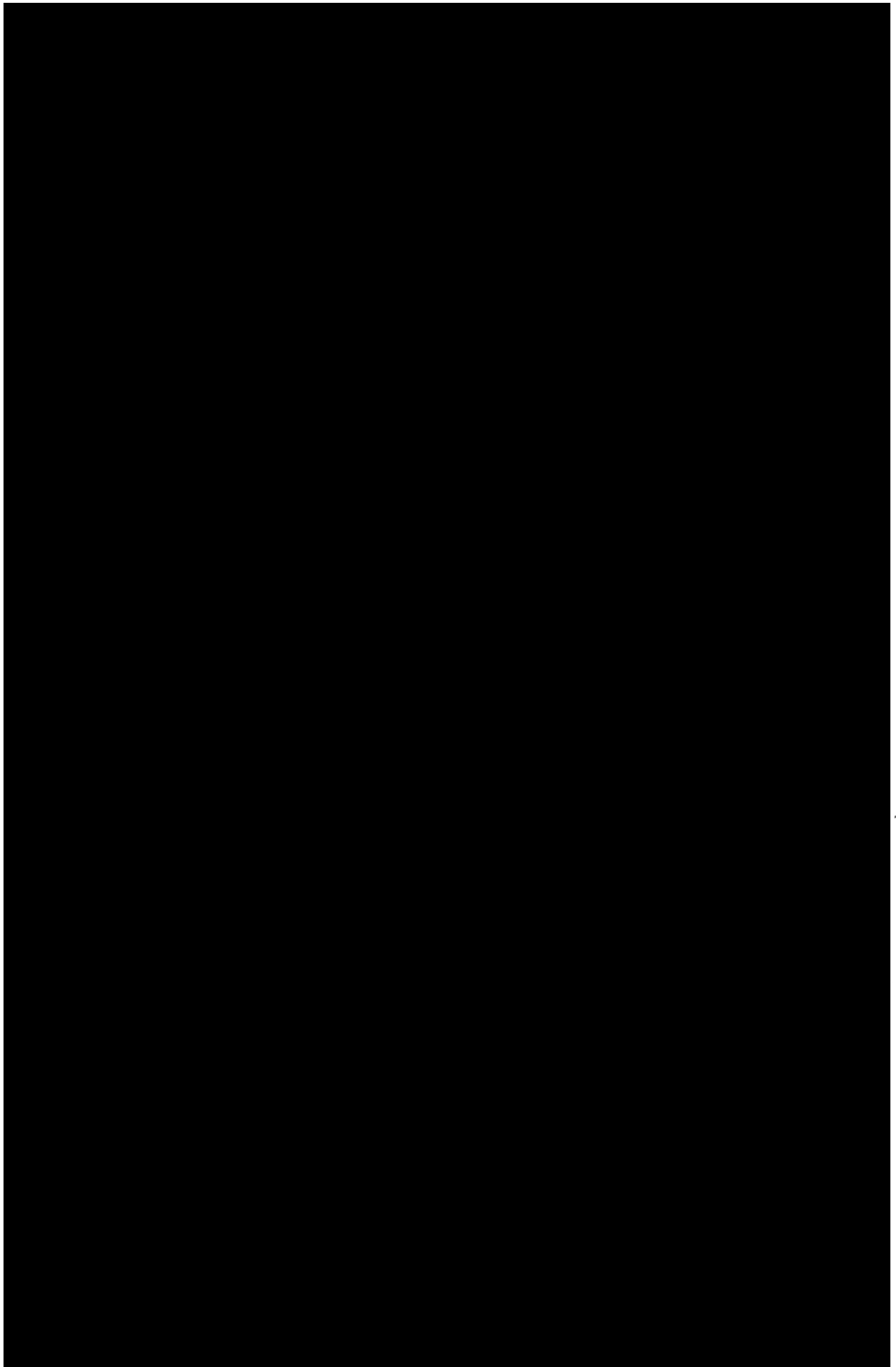


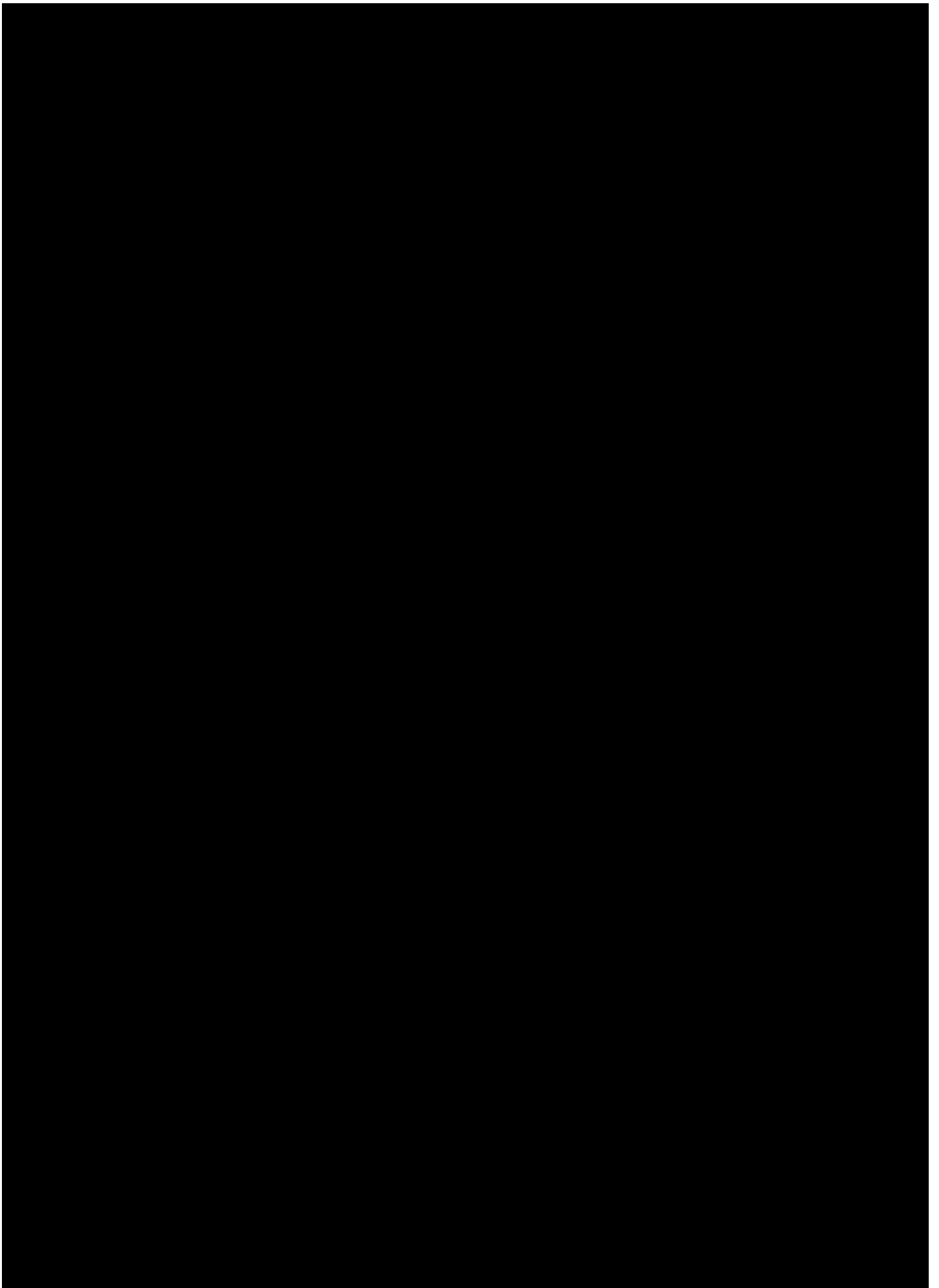












EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 4, 2010

APPROVAL  
Mike Smith, Chief – Bureau of Investigation

**4000.30**

## **RADIO PROCEDURE**

### A. PURPOSE

The Bureau of Investigation is committed to providing a safe working environment for all of its employees. In accordance with that commitment, the Bureau contracts for dispatching services with the San Bernardino County Sheriff's Department. This contract provides full-time dispatchers who monitor radio traffic for Bureau employees.

### B. HOURS OF OPERATION

Dispatching services are available from 6:00 a.m. to 10:00 p.m., Monday through Thursday, except holidays. Friday dispatching hours are 6:00 a.m. to 6 p.m. Dispatching is available for special functions and holidays provided arrangements are made in advance of the event. Such special arrangements must be made through an Assistant Chief via the Chain of Command.

### C. CALL SIGNS

The Radio Call Signs are designated as follows:

"D.A."	Administration
"Sam"	Supervising Investigators
"David"	D.A. Investigator
"Adam"	Investigative Technicians
"Edward"	Civilian Staff & Other Volunteers

### D. STATION IDENTIFIER

The District Attorney's "Station Identifier" is "94" (Ninety-four). This identifies the radio user as a District Attorney Employee.

### E. PROCEDURE

1. When an employee ventures into the field and intends to conduct radio communications, the employee should wait for a break in radio traffic and speak into the radio microphone with the station identifier and your call sign (i.e. "Ninety-four Adam Seventy-two, 10-8"). This notifies the dispatcher that the employee is in the field and they will use information previously provided to them by the Bureau to log the employee's vehicle and radio information into the dispatch computer.
2. Employees need only to provide the dispatcher with their vehicle

number or radio number if they are using a vehicle or radio not normally assigned to them.

3. The goal of this system is to provide for employee safety. **Investigative Technicians are required to utilize the radio to notify the dispatcher of all process services.** Investigators are encouraged to notify the dispatcher when they are conducting business in areas where safety may become an issue. **Investigators are required to notify dispatch of search warrant and arrest warrant service.**
4. Employees shall notify the dispatcher when you go 10-97 and 10-98 from locations. The dispatcher will conduct safety checks on employees if they are out on a call without contact for an extended period of time. When an employee is finished for the day (and has logged onto the radio system by going "10-8"), employees are required to put themselves "10-7" (End of Watch). Failure to follow this procedure will result in the dispatcher hunting down the employee by calling the employee's cell phone (they have the employee's cell phone number) and could generate a search for the "missing" employee with deputies and Bureau Investigators being dispatched to the employee's last known area.
5. Employee safety is of paramount concern. This is why the department contracted for this necessary service. If an employee has any questions regarding the use of the radio or the procedures outlined above, the employee should contact their supervisor.

F. SEARCH AND/OR ARREST WARRANT SERVICE

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

ommunications are required during the service of the warrant.

G. CONTACTING THE DISPATCHER BY TELEPHONE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**4000.31****ELECTRONIC SURVEILLANCE EQUIPMENT****A. POLICY**

The Bureau of Investigation maintains electronic surveillance equipment for use in conducting investigations. [REDACTED]

Statutory and case law allows for the deployment and use of audio and video surveillance equipment by certain enumerated peace officers. Some categories of peace officers are not authorized to utilize electronic eavesdropping equipment (see PC § 633 for details). It is the intent of the Bureau of Investigation to ensure that all members comply not only with the letter of the law, but with the spirit of the law regarding the surreptitious recording of the conduct of individuals under investigation by this agency. The equipment shall only be deployed or utilized in a manner consistent with the policies and procedures of the Bureau of Investigation and the Office of the District Attorney.

A Supervising Investigator may authorize the deployment of audio transmitters in conjunction with an authorized investigation. As soon as practical, an Assistant Chief must be notified of the planned deployment of the device.

The deployment of digital signal or audio/video signal equipment must be authorized by an Assistant Chief prior to the usage of the equipment in an investigation.

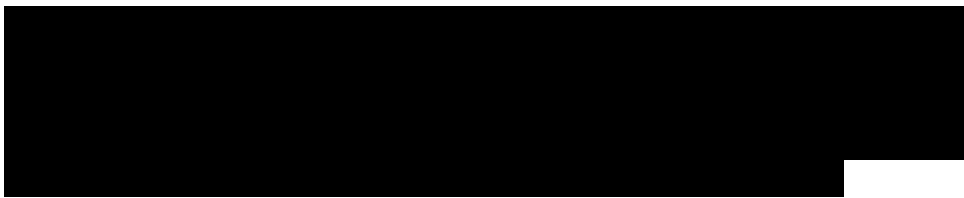
**B. PROCEDURE**

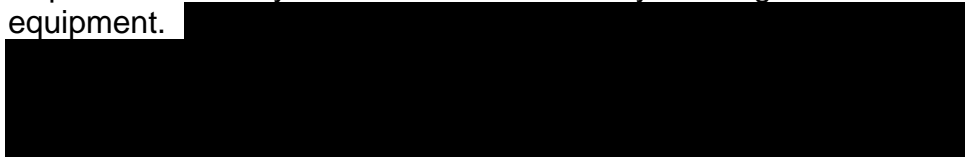
1. When an investigator plans on deploying electronic audio equipment [REDACTED] which does not utilize microwave carriers, the investigator shall first secure the authorization of his or her immediate supervisor prior to deploying the device.

2. An Assistant Chief shall be notified through the chain of command as soon as reasonably possible when an employee believes the use of [REDACTED] equipment is necessary during the scope of his/her investigation.

3. The equipment shall only be deployed or utilized in a manner in accordance with state or federal law, and conformity with existing case law.

4. [REDACTED]



5. Evidence obtained and recorded by the deployment of electronic surveillance equipment shall be kept as evidence in accordance with existing policies.
6. Generally, the deployment of electronic surveillance equipment shall be documented in a report outlining the use of the equipment and the disposition of any evidence obtained by having utilized the equipment.  

7. Utilization of electronic surveillance equipment in violation of this policy is expressly forbidden.

Revised 02/16/2006

4000.32

EFFECTIVE DATE: July 14, 1999

REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

## EQUIPMENT/LOAN OF BUREAU EQUIPMENT

### A. PURPOSE

It is the policy of the Bureau of Investigation to assign responsibility for the loan of Bureau equipment from one unit to another. In the past, the Bureau has experienced on-going problems with "loaning" equipment. In some instances, the equipment is borrowed without permission, borrowed and not returned in a timely manner or, in some cases, not returned at all.

### B. POLICY

1. Supervising Investigators having responsibility for and the control of Bureau equipment shall maintain an "Equipment Sign Out Sheet" for the loan of Bureau equipment (See Exhibit "A").
2. After determining the appropriateness of the request for the equipment, the supervising investigator shall have the borrower complete the form.
3. When the equipment is returned, the supervising investigator shall initial the form documenting the return of the equipment.
4. Personnel who borrow equipment from a unit other than their own shall follow the same procedure outlined above.

Revised 01/22/2006

# EQUIPMENT SIGN-OUT SHEET

DATE LOANED	EQUIPMENT LOANED	INVESTIGATOR/ TECHNICAN	DATE RETURNED	ITEM RECEIVED BY

EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 16, 2006

APPROVAL [REDACTED]  
Mike Smith, *Chief – Bureau of Investigation*

**4000.33**

**USE OF CONFIDENTIAL INFORMANTS**

- [REDACTED]
  - [REDACTED]
  - [REDACTED]
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EXHIBIT "B"

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EXHIBIT "E"

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[REDACTED]

[REDACTED]

EFFECTIVE DATE: **November 15, 1999**

REVISION DATE: February 28, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**4000.34**

## **SPECIAL INVESTIGATION FUNDS**

### A. POLICY

Special investigation funds provide cash for covert investigations, for the purpose of purchasing evidence, or to pay for illicit or illegal services in furtherance of an investigation.

### B. PROCEDURE

1. When County of San Bernardino funds are used by a member of the Bureau of Investigation as described in this policy, the use of such funds will require the authorization of the Chief or an Assistant Chief.
2. The lead investigator assigned to the case in which special investigation funds are utilized shall request the use of such funds in a memorandum directed to the Chief or an Assistant Chief. The memorandum shall include the case name, case number, the date the funds are needed, along with a brief description of the circumstances and intended use of the funds.
3. An Assistant Chief shall coordinate obtaining the special investigation funds from the Bureau of Administration and ensuring all appropriate documentation is completed. The funds will then be given to the lead investigator and/or supervisor responsible for the investigation.
4. The denominations and serial numbers of any funds, which are intended to be recovered as evidence in a case, or used in a “money show”, will be recorded before the investigation takes place.
5. Any funds authorized for use in an investigation shall remain in the possession of the lead investigator and/or supervisor assigned to the case, unless the possession of the funds by another individual is necessary to further the investigation.
6. If funds are to be possessed or used by an informant or other individual, care should be taken to ensure that the informant or other individual’s money does not become commingled with the special investigation funds.
7. In cases where the investigation requires the advance payment of special investigation funds, the authorization of the Chief or an Assistant Chief is required before such action is taken.

8. When special investigation funds are obtained and are not being utilized, the funds shall be maintained in a locked and secure location. If not used within 48 hours, the funds shall be returned to the Bureau of Administration. If it becomes necessary to maintain funds for a longer period of time, approval by an Assistant Chief is required.
9. The lead investigator and/or supervisor of the case in which special investigation funds have been used or expended are responsible for documenting the use of such funds when the investigation is complete. The balance of any funds not spent; along with a memorandum documenting the amount expended shall be forwarded to the Chief or an Assistant Chief. The balance of the funds shall then be returned to the Bureau of Administration and documented accordingly.

Revised 02/28/2006

EFFECTIVE DATE: November 15, 1999

REVISION DATE: January 22, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**4000.35**

**UNDERCOVER OPERATIONS**

A. POLICY

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B.

[REDACTED]

[REDACTED]

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EXHIBIT "C"



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EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 16, 2006

APPROVAL   
Mike Smith, *Chief – Bureau of Investigation*

**4000.36**

**EXTRADITION POLICY**

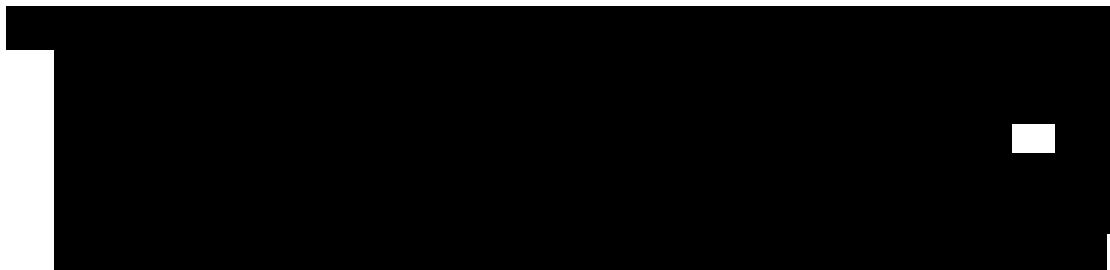
A. POLICY

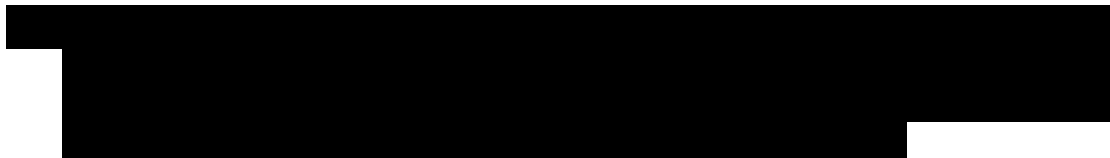
1. It is the policy of the District Attorney's Office to extradite defendants on felony cases where the defendant, if convicted, will be exposed to a state prison sentence.
2. Whenever possible, the District Attorney's Office will endeavor to send its investigators on out-of-state extraditions to transport prisoners on cases investigated by members of the Bureau of Investigation. Only investigators who have completed the FAA Flying Armed Course shall be allowed to extradite a prisoner via a commercial flight.

B. PROCEDURES

1. PRE-EXTRADITION PROCEDURE









[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

Revised 02/16/2006

EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 16, 2006

APPROVAL   
Mike Smith, *Chief – Bureau of Investigation*

**4000.37**

**ALARM POLICY**

A. POLICY





B. PROCEDURE

■ 

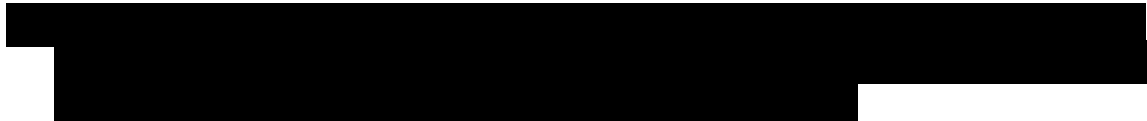


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Revised 02/16/2006

EFFECTIVE DATE: November 15, 1999

REVISION DATE: February 16, 2006

APPROVAL

Mike Smith, *Chief – Bureau of Investigation*

**4000.38**

**SPECIAL RESPONSE TEAM**  
**(SRT)**

**PURPOSE:**

The Special Response Team (SRT) is an ancillary duty within the Bureau of Investigation and provides a supporting unit of well trained and equipped investigators to address specialized situations.

**PROCEDURE:**

1) Objective:

The objective of the Special Response Team is to enhance investigative support available to District Attorney personnel and to provide a team whose training and coordination permit an effective response to various situations and assignments within the District Attorney's Office.

[REDACTED]

[REDACTED]

[REDACTED]

3) Organization and Structure:

The Special Response Team will be composed of sworn personnel within the Bureau of Investigation. The Chief or his designee shall select the Team Leader. The Team Leader shall be responsible for the coordination, training, equipment records, files and the overall effectiveness of the team. The Special Response Team Leader will report to the Assistant Chief for all team activities.

#### 4) Personnel Standards and Selection:

The Assistant Chief and Special Response Team Leader will select investigators for available openings on the team. Each Special Response Team member must meet certain standards and maintain these standards to remain on the team. Team members who do not maintain standards will be dismissed from the Special Response Team.

Minimum standards for Special Response Team members are as follows:

- a) Team members shall complete one year of employment with the Bureau of Investigation.
- b) Team members will maintain an overall work performance evaluation rating of "Meets Standards" or above for their most recent rating period.
- c) Team members will be selected to serve based on their commitment and voluntary availability for operations as needed. These operations can occur both during and after normal business hours. In the case of off duty availability, compensation does not begin until the member is actually activated.
- d) Team members will participate in and complete the annual physical fitness test.
- e) Team members shall attend and fully participate in all Special Response Team training, unless an absence is authorized. Authorized absences include scheduled vacations, court appearances, official travel, scheduled priority training or personal/family illness.
- f) Based on the voluntary membership of the team, the Chief or his designee may remove Special Response Team members from the team, without appeal or compensation.

#### 5) Training and Equipment:

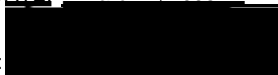
To fully and appropriately address their mission, the members of the Special Response Team will train on a regular and ongoing basis. [REDACTED]

In addition to their specialized training, personnel assigned to this unit will be provided with appropriate equipment to enable them to better serve as a resource within the District Attorney's Office. Scheduled training days shall also allow for regular inspection and evaluation of all team equipment.

Revised 02/16/2006

EFFECTIVE DATE: March 1, 2005

REVISION DATE: March 1, 2005

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**4000.39**

## **BACKGROUND INVESTIGATION PROCEDURES**

### **I. ISSUE LETTER OF INTENT**

- A. The Chief's secretary sets up time with Assistant Chief Investigator. Allow approximately twenty minutes for interview.
- B. Print Letter of Intent. Include full name, position applied for.
- C. Signature is needed by Assistant Chief and applicant. Make a copy for the applicant, keep original in file.

### **II. SETTING APPOINTMENT**

- A. Immediately following the issuance of the Letter of Intent, the background investigator will meet with the applicant and advise them who will be conducting the background investigation.
- B. A second appointment between the applicant and the background investigator will be set. The background investigator will advise the applicant they will need to bring original or certified copies of required documents to that meeting:
  - 1. A photocopy of the applicant's driver's license and social security card is acceptable.
  - 2. High school and college transcripts must be mailed directly to the background investigator. This will insure official grades and graduation requirements are reflected.
  - 3. Certified copies of marriage license, birth certificate, etc. are available from the appropriate county recorder's office. The applicant will be instructed to obtain these.
  - 4. Proof of Selective Service Registration can be verified by calling the Selective Service at (847) 688-6888 or on the Internet at [www.sss.gov](http://www.sss.gov). The Selective Service verification number will satisfy this requirement of all male applicants born after January 15, 1960.
  - 5. Any other documents available to the applicant. See "Required Documents" form.
  - 6. Enter information on "Background Checklist" attached to background file.
- C. Set an appointment with applicant. Give them your name and phone number. Explain how to contact you from the lobby when arriving.

1. Be specific about day, time and location.
2. Advise applicant to allow approximately three hours for the first appointment.
3. Always advise applicant to show up properly dressed.

### III. FIRST APPOINTMENT TASK

- A. "Authorization to Release Information" waivers must be signed and notarized to begin a background investigation. These forms will be the first signed by the applicant. Once signed, make at least 10 copies for future mail and personal inquiries. All waivers expire 120 days from date of signature.

### IV. APPLICANT IS NOW OFFICIALLY IN BACKGROUND

- A. **Note:** Keep all information **confidential**. Limit information sharing. This information is on a need-to-know basis. Investigators can be held liable for unauthorized release of confidential applicant information.
- B. Review all official documents for official seal or certification on copies.
  1. Check for red stamp or raised seal, indicating original copy on birth certificates, marriage licenses, etc.
  2. Make copies for package and return originals to applicant.
  3. Have applicant sign and give them a copy of the "Required Documents" form.
  4. Have applicant fill out and sign credit report request and credit report waiver.

### V. PERSONAL HISTORY STATEMENT (PHS) AND PRE-INVESTIGATIVE QUESTIONNAIRE (PIQ)

- A. These forms will be given on the first appointment to be taken home by the applicant and returned at the next appointment. Instructions will be given on how to fill these out.
- B. Instruct applicant to fill out both forms in detail. Complete full name, address, phone numbers, zip codes, area codes and places of current and past employment are essential. Any reference or family member listed that is under the age of eighteen years should be so noted as we do not interview or mail reference letters to minors.
- C. Set an appointment for applicant to return within a maximum of seven working days with completed PHS and PIQ, along with any other missing documents.

- D. Request applicant include a list of neighbors with home addresses and phone numbers.
- E. Applicant will also need to provide a list of twelve friends, associates and coworkers. The list should be people they spend time with and who have some knowledge of the applicant's qualifications. Make sure they are different from those listed in the PHS.
- F. Review all submitted information of accuracy and discrepancies.
- G. Give applicant Pre-Polygraph Questionnaire and have applicant bring completed form with them to their polygraph examination.

VI. SECOND APPOINTMENT (2 HOURS)

- A. Conducting the preliminary background investigation. This will be the first one-on-one meeting with the applicant.
  - 1. Meet with applicant, one-on-one in a **private setting**. **Tape recording or videotaping** the interview is an option, should it be necessary.
  - 2. Review PHS with applicant present. Make sure it is complete. Check to see that names, addresses, phone numbers and places of employment are correct and legible. Make sure these answers coincide with those of the oral interview and autobiography. **Use red ink for corrections or information omitted.**
  - 3. Review PIQ with applicant present. Make sure applicant explains any "yes" responses in full detail. **Have applicant use a red ink pen to make any corrections or to explain further any areas in question.**
  - 4. Have the applicant write a autobiography.
    - a. This is used to evaluate all applicants. Applicant needs to complete four to six pages addressing all areas of concern listed in instruction page, including:
      - i. Employers for past ten years
      - ii. All law enforcement agencies applied with, along with status of any current applications
      - iii. Any crimes or negative contacts with law enforcement
      - iv. Illegal drug possession. **Do not ask how many times used** until after conditional offer made and signed.
- B. The background investigator will start interviewing the applicant. The interview could turn into an interrogation, depending on how cooperative the applicant is. Be familiar with applicant's autobiography.

1. Take applicant's photo and enter into computer indicating "applicant" under field used for file number. Print out two copies. One will be used during your investigation for employment and neighborhood checks. The second photo is for the officer's swear-in memo for the Chief. A short biography of the applicant will be appended to this photo to brief the Chief before swear-in ceremony.
2. Review submitted documents and enter on background file checklist indicated as being a copy or original.
3. Applicants who have used several names in the past will entail extra work. Make sure to add all names used (maiden, married, adopted, etc.) when doing criminal checks and mailing reference letters.

C. Social Security Card:

1. Make sure the name is correct. If an applicant has had a name change for any reason (Marriage, divorce, etc.) it must be updated on the social security card. Human Resources will only use the name as printed on the current social security card.

D. Fingerprints:

1. Applicant is printed using the live-scan service at Sheriff's Headquarters. The Bureau secretary prepares the forms that the applicant will take with him. Responses are e-mailed to the Bureau secretary. DOJ usually will report the next day and forward prints to FBI. FBI results return much later, sometimes after the background is completed. E-mailed results and later mailed print cards are placed in background file section 5.
2. Allow several months for FBI to respond with a hard copy. Police officer responses from the FBI should have a red stamp picture of a gun. This will assure your applicant has a clearance for police officer status. If you do not get clearance from the FBI, your applicant cannot be hired as a police officer. If applicant has already been hired, notify your supervisor and obtain approval for termination from the Chief if this discrepancy cannot be cleared up.
3. If any applicant has been disqualified after they have been fingerprinted, the prints must be sent back to DOJ along with a rejection cover letter.

E. Other:

1. Collect remaining documents and enter on checklist. Use a yellow highlighter to indicate "work completed." When reviewing documents provided by the applicant or sent to the investigator (reference letters, credit check, military/school transcripts), use a yellow highlighter to point out "important information" and a green highlighter for problem areas of concern. If there are any derogatory remarks, place a small post-it tab on the appropriate page for review later.

F. Military Records Request/Authorization:

1. Applicants having prior military experience are required to submit their DD214 at the onset of the background investigation. A copy of the DD214 is made and placed into their file. There is no way to ensure that the DD214 hasn't been tampered with or forged. This request will serve as verification of the DD214 submitted and will be mailed directly from Military Personnel Records Center to the background investigator. Use current Military Records Request for 180 and mail with a waiver and self addressed return envelope.

VII. MAIL LETTERS & CONDUCT VARIOUS CHECKS



- A. Confidential Personal Reference Inquiry letters are mailed to all relatives and references listed on the PHS and from the list of twelve acquaintances. As letters return, check for additional references and add to your checklist. Highlight positive and negative comments. No waivers needed.
- B. Former employment checks can be made by using the Confidential Employer Inquiry letter. A waiver must accompany this request. You may need to fax waivers for a quick response to the corporate office or when making phone inquiries. If a personal visit to an ex-employer is made, a copy of the waiver will be required. Some companies will require an original waiver be viewed before releasing information.
- C. Personally contact law enforcement agencies where applicant lives, lived, attended school, attends school, resided or currently resides to determine any contact history between the agency and the applicant.
- D. Local check for weapons, court orders for domestic violence restraining orders, warrant check, arrests and NCIC are done by background investigator using our computer system.
- E. Drivers license check.
- F. Check local police department of sheriff station applicant resides in. Include waiver.
- G. Agency Check letters are sent to all agencies applicant has applied with. If disqualified, call that agency to arrange a review of their file. If still in background with another agency, check with the current investigator and

- share information. Include waiver.
- H. Current employer check should be done last and allow applicant time to advise employer they have applied for another job. When this is done, make your visit. Include waiver.
  - I. If applicant was born out of the United States, contact appropriate consulate to verify authenticity of passport, birth certificate, marriage license, etc. They can translate these documents for you.
  - J. Review oral answer sheet, autobiography, PHS and PIQ. Make sure applicant was accurate and nothing was omitted.
  - K. Entry and lateral applicants require a check of academy files, talk with instructors, training officers, classmates and supervisors. Need waiver.
  - L. Mail credit report request letter with waiver, along with self addressed, stamped envelope.
  - M. Conduct all neighborhood checks. For applicants who resided at rental properties you might need a waiver. Good idea to have file with you and have them view applicant's photograph to ensure you are talking about the same person.
  - N. Any letters returned undeliverable, confirm name and address with applicant. Place letter with the returned envelope in proper section and mark (UA), undeliverable address on checklist.

#### VIII. REVIEW FILE

- A. You should have collected all required documents and completed all of the required background checks. Schedule follow-up appointments with applicant as necessary.

#### IX. POLYGRAPH

- A. Make appointment for polygraph.   

- B. Make copy of both sides of the Pre-Polygraph Questionnaire and give applicant a copy. Keep original in file (poly section). Place applicant's copy in a sealed envelope and have them hand-carry it to the appointment.
- C. Inform applicant of polygraph appointment date, time and location.
- D. You may call and obtain results the day after test. Results will be mailed to you. Put a copy of certificate in poly section on the confidential side. This report will later be placed with the final background report for review only. The report will be sealed in the background report after the report is completed and final report is signed off.
- E. If any changes are made, or new information is admitted to the examiner, the applicant should be disqualified for integrity or credibility issues.

- F. [REDACTED]
- G. Any female applicant who is pregnant will be unable to take a polygraph. Because this is a medical condition you will not be aware of this until after the Conditional Offer is made. Put application on hold until the applicant has been released by their doctor, at which time the background can continue.

X. CONDITIONAL JOB OFFER

- A. After background is substantially completed, the background investigator will brief the Assistant Chief on the results.
- B. If the Assistant Chief determines to proceed with processing the applicant, an appointment will be set with the Assistant Chief to meet with the applicant and extend a Conditional Job Offer.
- C. The Conditional Job Offer must be extended prior to administering any psychological or medical evaluation.

XI. PSYCHOLOGICAL EVALUATION

- A. [REDACTED] Call after applicant passes polygraph.
- B. Call and make appointment for test. [REDACTED]
- C. Inform applicant of date, time and location of scheduled psychological evaluation.
- D. They will set up appointment with the applicant for the second visit that will include a review of test and an oral interview with the doctor.
- E. You may call and inquire of results after the oral interview. Results will be mailed to you. Put certificate in psychological section.; You will receive a scoring number; 1 and 2 are "does not meet standards" and a 3 and 4 are "meets standards."
- F. This report will be submitted with background report for review only. [REDACTED]  
[REDACTED] he cover letter indicating the applicant passed is included in the Psychological Test section on the confidential side of the background package.

XII. MEDICAL

- [REDACTED]

### XIII. PROCEDURE FOR DISQUALIFICATION

A. If the investigation indicates that the applicant is not qualified you must initiate disqualification procedures.

1.



2. Return original application to Human Resources.

3. Complete the Failed Background Report. Don't mail applicant the rejection letter until after an Assistant Chief's review and approval the disqualification. Place a copy of the report and letter in the background package. Place package in the disqualification section.

4. The District Attorney's Office does not have an appeals process for applicants who have been disqualified from backgrounds.

### XIV. FINAL BACKGROUND REPORT

A. Will be completed and turned in for review prior to applicant's start date. Remember to submit polygraph and psychological reports for review. When the report is signed-off by the command staff it will be sent to the Chief's secretary for filing.

1. You may receive delayed background information months after the package has been completed. Secure and forward the information to the Chief's secretary for filing.

Revised 03/01/2005

EFFECTIVE DATE: July 15, 2004  
REVISION DATE: January 22, 2006

APPROVAL  
Mike Smith, *Chief – Bureau of Investigation*

**4000.40**

## **AUDIT, TRAINING & REVIEW POLICY**

### A. PURPOSE

This policy is established to ensure staff members are aware of and complying with Bureau of Investigation policies, and that policies are reviewed on a regular basis to keep them relevant and up-to-date.

### B. POLICY

#### **Audit, Training & Review Cycle**

- a. All Bureau of Investigation policies shall be audited and reviewed in compliance with the incorporated matrix (See Exhibit "A").
  1. An Assistant Chief shall make audit/review assignments.
  2. A Supervising Investigator, in accordance with the schedule incorporated into the matrix, shall audit each area requiring an audit.
  3. Each Supervising Investigator conducting a policy audit/review shall complete a Policy Audit/Review Report (See Exhibit "B").
  4. Each Policy Audit/Review Report shall be approved by an Assistant Chief and forwarded to the Chief for his review.

#### **Training**

- a. Items on the matrix that are indicated with a "T" require a training component.

Revised 01/22/2006

Exhibit "A"

BUREAU OF INVESTIGATION

POLICY

Audit, Training & Review Cycle

POLICY NAME	POLICY NUMBER	AUDIT? TRAIN?	REVIEW CYCLE
<b>ADMINISTRATIVE POLICY</b>	<b>1000</b>		
Authority and History - Office of the District Attorney	1000.00		B
Bureau of Investigation - Authority	1001.00		B
Peace Officer Status and Authority – District Attorney Investigators	1003.00		B
Bureau of Investigation - Duties and Responsibilities	1004.00		B
Training	1006.00		B
<b>Training Courses – Desirable &amp; Mandatory</b>	<b>1006.10</b>	<b>A</b>	<b>A</b>
<b>CHAIN OF COMMAND</b>	<b>2000</b>		
Chain of Command	2001.01		B
Memorandums of Understanding	2001.02		B
County Personnel Rules	2001.03		B
Lawfulness of Orders	2002.00		B
<b>EMPLOYEE CONDUCT</b>	<b>3000</b>		
Attendance/Work Hours	3001.00		C
Statements, Acts, and Personal Conduct of Employees	3002.00		C
Organizational and Personal Affiliations	3003.00		C
Outside Community Activities and Volunteer Work	3004.00	A	C
Political Activity	3005.00	A	C
Outside Employment or Private Enterprise	3006.00	A	C
Inter and Intra-Department Relations	3007.00		C
<b>Equal Employment Opportunity</b>	<b>3008.00</b>	<b>A &amp; T</b>	<b>A</b>

POLICY NAME	POLICY NUMBER	AUDIT? TRAIN?	REVIEW CYCLE
<b>Sexual Harassment</b>	<b>3009.00</b>	<b>A &amp; T</b>	<b>A</b>
Community and Press Relations	3010.00		C
Dress Standards	3011.00		C
Intoxication and Drug Policy	3012.00		D
Discipline / Grievance Procedures	3013.00		D
Commendations	3014.00		D
Firearms / Authorized Weapons	<b>3015.00</b>	<b>T &amp; A</b>	D
<b>Use of Force</b>	<b>3015.10</b>	<b>A</b>	<b>A</b>
Department Facilities and Equipment	3016.00		D
Retirement CCW	3017.00		D
Employee Fraternalization / Nepotism	3018.00		D
Access to Law Enforcement Computerized Databases & Public Records	3019.00		D
Involvement in Criminal Incidents	3020.00		D
Duty to Cooperate in Criminal Investigations	3021.00		D
Involvement in Outside Agency Investigations	3022.00		D
Issues Involving the "Brady Decision"	3023.00		E
Duty to be Honest	3024.00		E
Relationships with Members of the Public	3025.00	A	E
<b>OPERATIONAL POLICY AND PROCEDURE</b>	<b>4000</b>		
Opening Initial and Special Investigations	4000.01	A	E
Confidentiality of Information	4000.02		E
Report Writing	4000.03	A	E
Initiating Cases / Report	4000.04	A	E
Property and Evidence Procedure	4000.06	A	E
Arrest and Prisoner and Transportation Procedures	4000.07	A	E
Complaints by the Public	4000.09	A	E
Use of Department Vehicle	4000.10	A	F
Expenses / Travel	4000.11	A	F
Office Security	4000.12	A	F
Court Appearance	4000.13		F
Administrative and Personnel Records	4000.14	A	F
Emergency Records	4000.15	A	F
Death or Life-Threatening Injury to Employees	4000.16	A	F
Funerals	4000.17		F
Post Trauma Incidents	4000.18		G
Bomb Threats	4000.19	T	G
Citizen Volunteers	4000.23	A	G
Search Warrants	4000.27	A	G

<b>POLICY NAME</b>	<b>POLICY NUMBER</b>	<b>AUDIT? TRAIN?</b>	<b>REVIEW CYCLE</b>
Exposure Control Plan for Airborne / Bloodborne Pathogens	4000.28	T	G
Traffic Stops & Vehicle Pursuits	4000.29	T	G
Radio Procedure	4000.30	T & A	G
Electronic Surveillance Equipment	4000.31	A	G
Equipment, Loan of Bureau	4000.32	A	H
Use and Maintenance of Informants	4000.33	A	H
Special Investigation Funds	4000.34	A	H
Undercover Operations	4000.35	A	H
Extradition Policy	4000.36		H
Alarm Policy	4000.37	A	H
Special Response Team (SRT)	4000.38	A	H
Background Investigation Procedures	4000.39	A	I
Audit, Training & Review Cycle	4000.40		I
Inter-Agency Notifications	4000.42		I
Respirator Protection Program (SPG)	4000.44	T & A	I
Grooming Standards	4000.45	A	I
Search Warrant Authoring – HIV Testing	4000.46	T & A	I
Uniform Standards	4000.47		I
<b>CHARTS</b>	<b>5000</b>		
<b>Organizational Chart</b>	<b>5001</b>		<b>A</b>

**Audit & Training:** “A” = Audit  
“T” = Training

**Review Cycle:** “A” = Annually  
“B” = First Quarter Even Year  
“C” = Second Quarter Even Year  
“D” = Third Quarter Even Year  
“E” = Fourth Quarter Even Year  
“F” = First Quarter Odd Year  
“G” = Second Quarter Odd Year  
“H” = Third Quarter Odd Year  
“I” = Fourth Quarter Odd Year

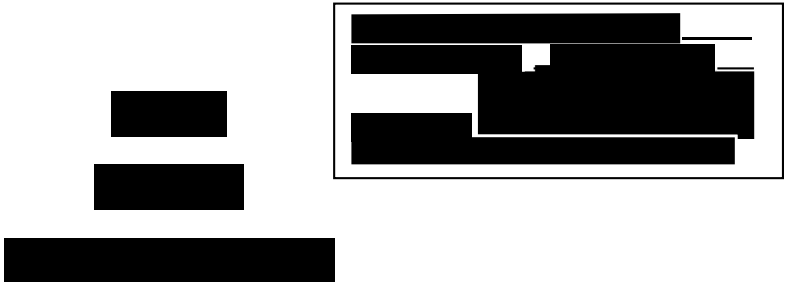
Revised 3/01/2006



County of San Bernardino  
Office of the District Attorney  
Bureau of Investigation

# POLICY AUDIT/REVIEW REPORT

<b>Policy Number:</b>		<b>Policy Description:</b>	
<b>Supv. Inv. Assigned to Conduct Audit/Review:</b>			
<b>Chief/Assistant Chief Making Assignment:</b>			
<b>Date Assigned:</b>		<b>Date Due:</b>	
<b>Content Reviewed for Readability?</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<b>Corrections Required?</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<b>Checked for Compliance?</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
<b>How was Compliance Check Conducted?</b>			
<b>Results:</b>			
<b>Training Required?</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<b>Date Scheduled:</b>
<b>Recommendations:</b>			
<b>Actions Taken:</b>			
<b>Reviewed/Approved By:</b>			<b>Date:</b>



4000.42

**INTER-AGENCY NOTIFICATIONS**

A. PURPOSE

The nature of investigations and the proliferation of various task forces and teams involved in cross-jurisdictional cases emphasize the importance of an accepted protocol for inter-agency notifications. This policy provides procedures for the notification of planned events in another agency's jurisdiction.

B. POLICY

It shall be the policy of the Bureau of Investigation to adhere to the practices set forth in this procedure.

C. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

■ [REDACTED]

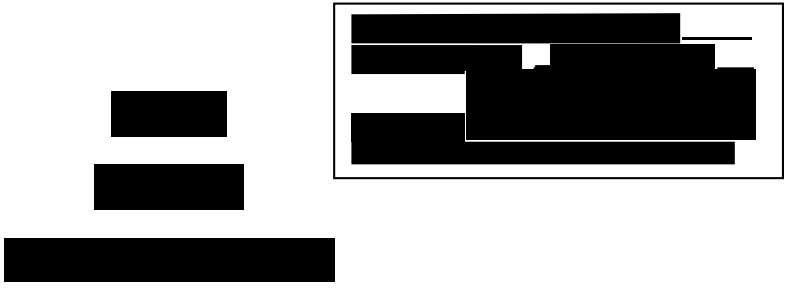
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EFFECTIVE DATE: May 25, 2004

REVISION DATE: May 25, 2004

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.44**

**RESPIRATOR PROTECTION PROGRAM**  
**SPECIFIC REQUIREMENTS FOR SPECIAL PROSECUTIONS GROUP**

I. SCOPE

The County of San Bernardino Respirator Protection Program, Appendix “A”, should be referenced for general guidance and policies. THIS PROCEDURE SETS FORTH MINIMUM STANDARDS FOR THE SPECIAL PROSECUTIONS GROUP.

II. INTRODUCTION

Various concentrations of assorted chemical substances are utilized in commercial manufacturing processes. Occasionally, these toxic chemicals are involved in unintentional spills, unlawful dumping or other releases. Potential contact with harmful vapors/gases/particles must be assumed for any entry into the scene of a chemical spill or dump until a factual determination to the contrary is established. Uncontrolled contact may result in personal injury and illness, including cough, headache, chest pain, burns, and eye/throat irritation. Prolonged exposure to these substances, without the proper controls (ventilation and/or respiratory protection), can lead to more serious chronic illness or death.

III. RESPONSIBILITIES

The San Bernardino County Department of Risk Management has been appointed as RPP Administrator, to monitor respirator use and coordinate training. The Bureau of Investigation Administrative Division’s Assistant Chief is responsible for following the guidance and protocols established by the RPP Administrator. The Supervising Investigator of the Special Prosecutions Group is responsible for ensuring that his/her staff carries out the policies and procedures spelled out in this RPP. Each staff member (referred to as Respirator User) who wears a respirator shall conform to all requirements set forth in this RPP and in Title 8, California Code of Regulations (Cal/OSHA Standard), Section 5144. The County of San Bernardino Respirator Protection Program, Appendix “A”, should be referenced for specific guidelines pertaining to the RPP Administrator and Respirator User duties.

IV. RESPIRATOR SELECTION

The County of San Bernardino Respirator Protection Program, Appendix “A”, should be referenced for general guidelines pertaining to respirator selection. Evaluation of chemical properties and acceptable exposure concentrations has been done in order to select the appropriate respirators for Special Prosecutions Group use, and is explained in Appendix 'A'. Records of airborne contaminant

concentration measurements, performed during lab raid investigations, will be collected and analyzed in order to support the protocol outlined in this RPP.

## V. TRAINING

Prior to participating in the entry into a hazardous material environment requiring the utilization of respiratory equipment, investigative personnel must successfully complete the 40-Hour CSTI Hazardous Materials Investigation & Safety Class (or equivalent), receive a copy of this RPP, and become familiar with its content. In addition, a respiratory fit test and a complete medical assessment must be accomplished. Chemical hazards and the procedures for monitoring airborne contaminants, as well as use, care and storage of respiratory equipment, are addressed in complete detail during the required 40-Hour Investigation & Safety Class. The RPP Appendices are available to any employee requesting a copy for review or possession, immediately upon request or before the next respirator use.

## VI. Site Entry

**The following protocols will be followed WITHOUT EXCEPTION.** It is important to also consider the unknown chemical dangers. The consequences of failure to do so can be severe, such as chemical pneumonia, chronic lung diseases, irreversible coma, or even death. Refer to County RPP, SELECTION OF RESPIRATOR IN FIREFIGHTING AND/OR IDLH CONDITIONS, and the 40-Hour Investigation & Safety Class instructional materials, for additional guidance.

### A. Level A -- Severe Hazard

Fully encapsulated suit, boots, inner gloves, Self-Contained Breathing Apparatus (SCBA) required due to:

1. High concentrations of hazardous vapor/gas/particles identified or suspected; or
2. High potential of splash, immersion, or exposure to harmful vapor/gas/particles; or
3. Confined, poorly ventilated areas, and absence of "Level A" risk cannot be verified.
4. **\*\* IMPORTANT \*\*** Special Prosecutions Unit investigators are not allowed in Level A areas!

### B. Level B -- High Hazard

**Saranex splash suit, SCBA, nitrile gloves, Polymax boots required due to:**

1. High vapor/gas/particle levels, but lesser degree of skin splash

- potential than Level A; or
2. Oxygen < (less than) 19.5% or > (greater than) 23.5%, any vapors/gases at or near Immediately Dangerous to Life or Health (IDLH) level; or
  3. Harmful vapor/gas/particles are present, but not fully measured and evaluated.
  4. **\*\* IMPORTANT \*\*** Level B must be assumed, and Personal Protective Equipment (PPE) worn, until lesser risk is confirmed by means of documented facts gathered from reliable sources, investigations, and physical surveillance. Once the premises are secured, the following protocol applies:
    - a. At least 2 persons will enter the site, equipped with SCBA, and will ventilate the area and take air-monitoring samples, until such time as a "Level C" or "D" condition is verified.
    - b. At least 2 persons donning SCBA and ready to assist with emergency rescue within 60 seconds, will remain outside, out of harms way, and in continuous contact with the interior investigators.
    - c. Until such time as a Level C or D condition can be verified, the number of investigators to remain outside and donning SCBA gear, will be at least equal to the number of investigators inside the lab.
    - d. To the extent that it is practical and safe, persons with less experience using SCBA gear will be stationed outside, until their experience and/or comfort level increases.
    - e. To the extent that it is practical and safe, the "SCBA-Interior" assignment will be rotated, in order to provide the critical "on-the-job" experience with the SCBA gear.

C. Level C -- Moderate Hazard

**APR, chemical-resistant clothing/gloves/boots required due to:**

1. Splashes or other skin contact will not be absorbed or permanently harm the skin; AND
2. Air contaminants are measured and acceptable for Air Purifying Respirator (APR) use, specifically:
  - a. No measured levels above the Short-Term Exposure Limit (STEL), or Permissible Exposure Limit (PEL) if no STEL listed,
  - b. Oxygen (O<sub>2</sub>) > 19.5% and < 23.5%.

**Note: An APR can only be used when the *concentrations of contaminants are known or reasonably determined.* The**

**only APR authorized is a full-face-piece model. Half-mask respirators that don't offer any eye protection are not allowed.**

D. Level D -- Minimal Hazard

**Street clothing allowed, safety glasses or goggles recommended due to:**

1. Verified no contrary splash potential.
2. Verified no air contaminants measured at or above the OSHA PEL.

**The Hazard Monitoring & PPE Determination form is to be filled out and turned in to the RPP Administrator within 24 hours of each completed operation. This information is very important in assessing acceptability of existing protocol, and will be used to periodically assess PPE & procedural modifications.**

VII. MEDICAL EVALUATION

Only employees who have been examined and found fit by the Center for Employee Health and Wellness (CEHW), shall be permitted to wear respiratory protective equipment. The respirator user's medical status shall be re-evaluated periodically, at least annually.

Prior to field assignment to include use of respiratory equipment, an OSHA-approved "medical evaluation" will be done. This includes the completion of the Supplemental Respirator Use Form Medical Questionnaire. This questionnaire is to be kept on file with the doctor because it has medical information. The doctor will send a Notice of Medical Evaluation, with remarks, back with the employee for Personnel Department use.

A "baseline" physical examination will be given upon assignment to the Special Prosecutions Group, or shortly thereafter. Included are hearing and visual testing, a spirometry (pulmonary function) test, CBC with diff., chemistry panel with liver function test, and an EKG and/or treadmill (varies by age/medical history).

Per OSHA requirements, all respirator users will receive Annual Medical Surveillance examinations, as determined by the CEHW and the County Safety Officer. Minimum exam protocol will include hearing and visual testing, a pulmonary function test, EKG, CBC with diff., chemistry panel with liver function, and lead. Upon transfer out of the Division, the respirator user will be given the option of receiving an "exit physical" within 12 months of their leaving the Special

Prosecutions Group. The parameters of the exam will be determined by the CEHW and/or the County Safety Officer.

## VIII. RESPIRATORY EQUIPMENT

### A. Air Purifying Respirator (APR)

The APR in use is the Ultra-Twin Dual Cartridge/Full Face Piece air-purifying respirator made by Mine Safety Appliances Company (MSA), using the model GME P-100 Super Cartridge. Guidelines regarding respirator use, face piece seal check, cleaning, storage, and replacement, are provided in the 40-Hour Investigation & Safety Class, Appendix 'C' of this RPP, and in the manufacturer's literature.

Note: Cartridges are to be removed after each use (the end of the shift), or if there are any signs of respirator ineffectiveness (see below), and discarded. Do NOT put on a new cartridge until it is time to use the APR again.

### B. Common signs of respirator ineffectiveness:

1. Odor or taste detected;
2. Eye/nose/throat irritation;
3. Difficulty breathing, dizziness or distress.

Department policy is that -- **all APR cartridges will be discarded at a minimum after every use; an APR is to be used only per Level 'C' and 'D' entry criteria, AND if measurements are below the STEL (or OSHA PEL, if no STEL).** Appendix 'B' includes definitions of STEL and PEL.

### C. Self Contained Breathing Apparatus (SCBA)

The "In-Service Date" will be recorded for every new SCBA unit placed in service. **The SCBA is required for concentrations above the STEL (or OSHA PEL if no STEL listed), or oxygen concentration less than 19.5% or greater than 23.5%.**

Every investigator in the Special Prosecutions Group who has hazardous site entry responsibility and has successfully completed the 40-hour investigation and safety class is issued a SCBA pack and tank. (MSA Ultralite II model).

**Pre-use Inspection** -- It is Bureau policy that a mask inspection, face piece seal check, regulator check and alarm verification are required to be completed each time the SCBA pack is put on. Guidelines regarding respirator use, face piece seal check, cleaning, storage, and replacement,

are provided in the 40-Hour Investigation & Safety Class, Appendix 'C' of this RPP, and in the manufacturer's literature.

IX. SCBA Tanks

**Only locations authorized by the RPP Administrator shall be used to refill the tanks.** Said "authorized" stations are "Certified Pure" annually, per guidelines CGA E, NFPA 1500 (G-7.1, '97). A list of authorized stations is available from the RPP Administrator.

X. FIT TESTS

Cal/OSHA requires all SCBA and APR users to pass **initial and annual** fit testing, which will be coordinated by the RPP Administrator. **Qualitative** fit testing is done for every respirator. The SCBA masks will be tested in the negative-pressure mode (air supply not used). A certified respirator technician is required to do the fit testing, to include full documentation. **A mask of identical make and size as the user's assigned APR & SCBA masks must be used for the fit tests.**

XI. AIR MEASURING/MONITORING EQUIPMENT

As Special Prosecutions Unit investigators do not respond independently of a properly equipped Fire Department or County Hazardous Material Unit, the accompanying Fire Department or County Hazardous Material Unit provides air measuring/monitoring equipment. The lead investigator is responsible for consultation with the appropriate Site Safety Officer to obtain entry authorization and/or determination of appropriate level of Personal Protective Equipment.

XII. POST-EXPOSURE MEDICAL MONITORING

In rare instances, investigators may be required to work in the presence of toxic gases or vapors (according to air monitoring equipment measurements, whether or not an APR or SCBA is worn) at levels above the OSHA PEL or STEL. They may also experience adverse physical symptoms even if exposed below these levels. If any of these situations exist, the PERSONNEL EXPOSURE REPORT form is to be completed. The Site Safety Officer should be consulted at that time, to help assess whether anyone should seek medical attention/treatment. Turn in the HAZARD MONITORING & PPE DETERMINATION, and PERSONNEL EXPOSURE REPORT paperwork to the RPP Administrator within 24 hours.

XIII. PROGRAM EVALUATION

The RPP Administrator, or his/her designee, will periodically review this RPP for potential changes and/or additions, to ensure the continued effectiveness of the written program. Specific duties include:

- A. Annual review of the written RPP, and any necessary revisions to reflect changes in procedures, protocols, or responsible parties;
- B. Selected SCBA and APR users will be consulted annually about their acceptance of wearing respirators. This includes comfort, resistance to breathing, fatigue, interference with vision or communications, restriction of movement, interference with job performance, and confidence in the effectiveness of the respirator to provide adequate protection;
- C. Annual review of the database record keeping program, medical records, exposure monitoring records, training programs, and fit testing records;
- D. The information collected can serve as an indication of the degree of protection provided by respirators and the effectiveness of the RPP. Action shall be taken to correct any deficiencies noted with the Program.

Rev. 12-17-09

## APPENDIX 'A' -- Respirator Selection Guide

Proper assessment of the hazard is the first important step to protection. This requires a thorough knowledge of processes, equipment, raw materials, end-products and by-products that can create an exposure hazard.

Investigators assigned to the Special Prosecutions are not trained in Group Clandestine Drug Manufacturing Laboratory (Clan Lab) raid scenarios, as lab environments are not a typical "industrial" setting routinely evaluated by the California Occupational Safety & Health Administration (Cal/OSHA); therefore investigators are not authorized to enter clandestine lab settings that require respiratory protection.

The experiences of firefighters and other "first responders" to emergency events associated with hazardous material spills and dumps were evaluated to assist in the determination of minimum acceptable procedures for investigators assigned to the Special Prosecutions Group.

Note: "Acceptability" of an APR for the chemicals listed in "Chemical Hazard Assessment", is based on the respirator manufacturer's recommendations. Those recommendations can be overruled by exercising the exception that the employer has "a documented cartridge change-out schedule". Department policy is that ALL APR CARTRIDGES WILL BE DISCARDED AFTER EACH USE (THE END OF THE SHIFT); AN APR IS TO BE USED ONLY PER LEVEL 'C' OR 'D' (see Training section) HAZARDOUS SITE ENTRY CRITERIA, AND IF MEASUREMENTS ARE BELOW THE STEL (OR OSHA PEL, IF NO STEL). See Appendix 'B' for definitions of STEL (Short Term Exposure Limit) and PEL (Permissible Exposure Limit).

To determine an atmosphere's oxygen content or concentration levels of particulate and/or gaseous contaminants, air samples must be taken with proper sampling instruments during all conditions of operation. The sampling device and the type and frequency of sampling (spot testing or continuous monitoring) will be dictated by the exposure and operating conditions. Breathing zone samples are recommended and sampling frequency should be sufficient to assess the average exposure under the variable operating and exposure conditions.

Should contaminant concentrations exceed exposure limits recommended by the American Conference of Governmental Industrial Hygienists (ACGIH), Cal/OSHA or the National Institute of Occupational Safety & Health (NIOSH), hazard control procedures must be implemented promptly. These values are guides for exposure concentrations that healthy individuals can normally tolerate for 8 hours a day, 5 days a week without harmful effects. Unless otherwise noted, exposure limits are 8-hour, time-weighted-average (TWA) concentrations.

In general, gas and vapor exposure limits are expressed in ppm by volume (parts of contaminant per million parts of air), while particulate concentrations are expressed as mg/m<sup>3</sup> (milligrams of contaminant per cubic meter of air). For substances that can exist

in more than one form (particulate or gaseous), concentrations are expressed in both values.

An additional part of Hazard Assessment is the determination of whether the contaminant has adequate warning properties. This affects respirator selection in that chemical cartridge respirators and gas masks can only be used for routine use against gases and vapors with adequate warning properties unless:

- (1) it is equipped with an end of service life indicator, or
- (2) a documented cartridge/canister change-out schedule is developed based on objective information or data (including MSA service-life performance data against the specific material) that will ensure that cartridges and canisters are changed before the end of their service life.

The industrial type gas mask respirators available through MSA, although perhaps offering better protection against carbon monoxide and phosphine, do not offer the same degree of widespread protection against various other organic vapors and acid gases as the Ultra-Lite APR with GME-P100 Super Cartridge. Gas masks are also much more bulky, heavy, and cumbersome to the user than the APR, which excludes them from potential use in certain raid scenarios due to the physical restrictions and impact on officer safety.

### **CHEMICAL HAZARD ASSESSMENT**

Chemical exposures and the procedures for obtaining airborne concentration samples, are addressed in complete detail during the required 40-Hour Investigation & Safety Class. Due to the highly varying nature of the hazardous environments in which an investigator assigned to the Special Prosecutions Unit may be called upon to enter, [investigators who are required to enter a hazardous material spill or dump scene shall consult with on-scene fire department and/or hazardous material unit personnel in determining the appropriate level of respiratory protection. Once adequate information is received from the appropriate responder,](#) investigators will rely upon their issued copy of Federal Emergency Response Guidebook to determine the level or respiratory protection required for the environment in question.

## **APPENDIX 'B' -- DEFINITIONS**

**Air-Purifying Respirator (APR):** A respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

**Atmosphere-Supplying Respirator:** A respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (**SCBA**) units.

**End of Service Life Indicator (ESLI):** A component of some APR cartridges, usually displaying a colored band when the cartridge has become overly loaded with contaminants and requires disposal.

**Fit Factor:** A quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

**Physician or other Licensed Health Care Professional (PLHCP):** An individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by the respiratory protection standard.

**Protection Factor:** A numeric value assigned to an APR, equal to 100 times the Cal/OSHA PEL, indicating a measured contamination level above which the APR must not be worn.

**Qualitative Fit Test (QLFT):** A pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

**Quantitative Fit Test (QNFT):** An assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

### **ACGIH (American Conference of Governmental Industrial Hygienists) Criteria:**

ACGIH exposure limits include three categories of Threshold Limit Values (TLVs). These TLVs are recommendations only, are not part of any government standards, and are not enforceable by any agencies. The definitions are as follows:

**Ceiling (CEIL)** - This refers to concentrations that must not be exceeded during any part of the working exposure. As such, Ceiling TLVs take precedent over all TWAs and STELs.

**Short-Term Exposure Limit (STEL)** - This is a 15-minute TWA exposure that should not be exceeded at any time during a workday. Exposures above the TWA up to the STEL should not be longer than 15 minutes and should not occur more than four times per day. Additionally, there should be at least 60 minutes between successive 15-minute

exposures in this range.

**Time-Weighted Average (TWA)** - This exposure limit is based on acceptable contaminant concentrations for a normal, 8-hour workday and a 40-hour workweek. The TWA is similar to, but should not be confused with, the Cal/OSHA PEL.

### **Cal/OSHA (California Occupational Safety & Health Administration) Criteria:**

Cal/OSHA exposure limits include three categories, which are enforceable as government regulations/safety standards. The definitions are as follows:

**Ceiling (CEIL)** - Same as ACGIH definition.

**Permissible Exposure Limit (PEL)** - Based on an 8-hour TWA, PELs are exposure levels below which OSHA does not require respiratory protection. When exposures surpass this level, certain respiratory protection requirements must be met.

**Short-Term Exposure Limit (STEL)** - This is a 15-minute TWA exposure that should not be exceeded at any time during a workday.

### **NIOSH (National Institute of Occupational Safety & Health) Criteria:**

NIOSH exposure limits include four categories, are recommendations only, are not part of any government standards, and are not enforceable by any agencies. The definitions are as follows:

**Ceiling (CEIL)** - Same as ACGIH definition.

**Immediately Dangerous to Life or Health (IDLH)** - As its name implies, the IDLH level refers to acute respiratory exposures that pose an immediate threat of loss of life. Exposures at this level may result in irreversible or severe health effects, eye damage, irritation or other conditions that could impair an employee's escape from the hazardous atmosphere.

**Recommended Exposure Limit (REL)** - A TWA concentration for up to a 10-hour workday during a 40-hour workweek.

**Short-Term Exposure Limit (STEL)** - Same as OSHA definition.

## APPENDIX 'C' -- RESPIRATOR USE & CARE

### Air Purifying Respirator (APR)

The selected Mine Safety Appliances (MSA) Ultra-Twin APR uses the MSA model GME P-100 Super Cartridge – for use with organic vapors, acid gases, H<sub>2</sub>S (Hydrogen Sulfide), HCL (Hydrogen Chloride), SO<sub>2</sub> (Sulfur Dioxide), MCL (Methyl Chloride), etc. The APR's Protection Factor = 100, meaning the APR must never be worn in atmospheres where the concentration exceeds 100 times the PEL. **Not to be used for protection against phosphine or hydrogen cyanide at levels above the OSHA PEL.** There is no End-of-Service Life Indicator (a colored band to show that the cartridge has become overly loaded with contaminants and requires disposal) nor a recommended Useful Life Limit. **Not to be used in atmospheres above the STEL (or Cal/OSHA PEL if no STEL listed), or O<sub>2</sub> (oxygen) level <19.5%.** It is good for some organic vapors but not those with poor warning properties or those that generate a high heat of reaction with the adsorbent material in the cartridge.

**Cartridges are to be removed after each use (the end of the shift), or if there are any signs of respirator ineffectiveness, and discarded. Do NOT put on a new cartridge until it is time to use the APR again.** In addition, personnel must ensure that they are equipped with the appropriate cartridge, that the cartridge has not been used at another scene, and that the cartridge expiration date has not been reached.

**Pre-Use Inspection** -- Before being used the APR must be inspected for the following:

- Facepiece:
  - Dirt, cracks, tears, or holes
  - Distortion of facepiece
  - Cracked, scratched, or loose fitting lenses
- Headstraps:
  - Breaks or tears
  - Loss of elasticity
  - Broken buckles or attachments
- Inhalation and Exhalation Valves:
  - Dust particles, dirt, or detergent residue on valve and valve seat
  - Cracks, tears, or distortion in valve material
  - Missing or defective valve covers
- Filter Elements:
  - Proper filter for the hazard
  - Missing or worn gaskets
  - Worn threads on filter and facepiece
  - Cracks or dents in filter housing
  - Deterioration of canister harness



**Seal Check** -- After putting on (donning) the APR, test for tightness of the seal against the face. Place palm of hand over the exhalation valve and exhale slowly. A positive pressure should be felt between the respirator and the face.



**NEGATIVE-PRESSURE TEST**



**POSITIVE-PRESSURE TEST**

**APR Cleaning** -- The cartridges must be removed, and the mask cleaned, after each use. The face piece should be cleaned & disinfected whenever the values on the Hazard Monitoring & PPE Determination form exceed the OSHA PEL, and during the scheduled monthly inspection. At that time also check the tightness of connections, and any cracks or tears in the straps or the seals, and condition of valves and cartridge attachments.

**APR Storage** – Your APR must be stored in the cloth bag provided by the Department.

- Avoid contamination, dust, damage, extreme temperature or moisture, and chemicals.
- The face piece should be protected from being deformed or damaged.
  - The APR must always be accessible in an emergency.

**Skills Check** – As part of the required 40-hour Investigation & Safety Class and the 8-hour Refresher Training Class, all personnel are to do an APR & SCBA skills check. This includes checking the APR mask for damage including the webbing/straps and face piece. Tighten straps in sequence -- chin, temple, crown. Perform positive and negative pressure tests to check the mask seal.

### **Self Contained Breathing Apparatus (SCBA)**

The MSA Ultralite II model, Protection Factor = 10,000, uses a 30-minute rated low-pressure cylinder, has a low-pressure warning bell, flame-and heat-resistant harness/carrier assembly.

**Pre-Use Inspection** -- Before being used the SCBA must be inspected for the following:

- Facepiece:
  - Dirt, cracks, tears, or holes
  - Distortion of facepiece
  - Cracked, scratched, or loose fitting lenses
- Headstraps:
  - Breaks or tears
  - Loss of elasticity
  - Broken buckles or attachments

**Monthly Inspection** -- An SCBA Inspection must be performed and documented monthly per Cal/OSHA requirements. Assignment of responsibility for monthly inspections of the SCBA Packs and Tanks is given to each Team. The mask inspection is very similar to the APR, plus the additional pack items:

- Inspect the hose by stretching it and looking for cracks or holes; check hose connections for deterioration. Place the mask in your assigned cloth pouch.
- Examine the air cylinder pressure gauge for proper air pressure; check the tightness of the high-pressure air-hose connection at the cylinder. Ensure that the gold valve on the regulator is on and fully open, that the red bypass valve is closed, and that the selector is in the demand or *off* position.
- Open the air cylinder valve to pressurize the regulator; check that the regulator pressure gauge has approximately the same pressure as the cylinder gauge. Then close the air cylinder valve to see whether the pressure goes down. A noticeable decrease in pressure (within one to two minutes) indicates a defective regulator or hose.
- Cup one hand over the regulator outlet and inhale. The regulator should deliver air during each inhalation. Next, try blowing into the regulator outlet; if air can be blown into the outlet, the regulator is defective.

- Open the red bypass valve slightly--air should flow. Then, close the bypass valve, bleed the air out slowly using the "on-off" lever. Watch the regulator pressure gauge to see whether the alarm sounds when the pressure reaches about 500psi.
- Check the harness, back pack, and air cylinder for wear or damage.
- After inspecting the SCBA unit, fill out the *Monthly Maintenance Checklist Form* found in or on the case. The records should be marked to reflect the month and day of inspection and the inspector's initials.
- After the inspection, the case or cabinet shall be secured with a seal.
- Should defective equipment be found or servicing the unit be required, the inspector shall take immediate action to correct any deficiencies.

**SCBA Tanks** -- Air tanks are to be refilled when they go below 90% of their normal capacity or pressure. When a tank is replaced, a new identification number is placed on the replacement tank.

**Skills Check** – As part of the required 40-hour Investigation & Safety Class and the 8-hour Refresher Training Class, all personnel are to do an APR & SCBA skills check. For the SCBA; check the valve, o-ring, and the bottle threads. Check the bottle pressure at least 2000 P.S. I. Place the bottle into the harness, align valve and hand-tighten to secure the bottle. Open valve slowly and check for a small pressure drop. Test the warning bell or whistle and reset. Check the mask for damage as with the APR. Don the mask and secure and check for proper seal by covering the air port and inhaling. Hook up the bottle, turn on the air and check the pressure gauge.

**Periodic Servicing** – The SCBA Packs and Tanks are to receive the following scheduled services, provided by a qualified vendor:

- Annual SCBA Pack flow test and alarm check
- Triennial (3 Years) SCBA Tank hydrostatic test
- 15 year overhaul of the SCBA Pack

**All repairs or replacements for the SCBA components must be done by the manufacturer, their representatives, or a trained authorized technician.**

#### Fit Tests

Cal/OSHA requires a fit test:

- At least annually;
- Whenever the APR or SCBA mask is replaced;
- When the user, his/her supervisor, a health care professional, or another observer notes physical changes that could affect respirator fit (e.g., facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight that may impact facial shape/size).

## **APPENDIX 'D' -- AIR MEASURING/MONITORING EQUIPMENT**

Air measuring/monitoring equipment is not issued to investigators assigned to the Special Prosecutions Group.

Investigators assigned to the Special Prosecutions Group will rely on Fire Department Personnel or County Hazardous Material Personnel to conduct air measuring and monitoring.

**RESPIRATOR INSPECTION RECORD**

1. OWNER: \_\_\_\_\_

2. TYPE: \_\_\_\_\_ 3. NO. \_\_\_\_\_

4. DEFECTS FOUND:

A. Face piece: \_\_\_\_\_

B. Inhalation Valve: \_\_\_\_\_

C. Exhalation Valve Assembly: \_\_\_\_\_

D. Headbands: \_\_\_\_\_

E. Cartridge Holder: \_\_\_\_\_

F. Cartridge/Canister: \_\_\_\_\_

G. Filter: \_\_\_\_\_

H. Harness Assembly: \_\_\_\_\_

I. Hose Assembly: \_\_\_\_\_

J. Speaking Diaphragm: \_\_\_\_\_

K. Gaskets: \_\_\_\_\_

L. Connection: \_\_\_\_\_

M. Other Defects:

1. \_\_\_\_\_

2. \_\_\_\_\_

6. COMMENTS: \_\_\_\_\_

7. INSPECTOR'S NAME/TITLE: \_\_\_\_\_

8. SIGNATURE: \_\_\_\_\_ 9. DATE: \_\_\_\_\_



## ❖ FILTER CHANGE-OUT SCHEDULE AND RECORD ❖

### OWNER INFORMATION

OWNER (if individually issued):	LAST NAME	FIRST	MIDDLE INITIAL
COMPANY NAME	DEPT:		
EMPLOYEE ID # (if applicable)	WORK PHONE:		

### JOB ASSESSMENT INFORMATION

JOB TITLE	SHIFT	JOB LOCATION
ASSESSMENT DATE	ASSESSORS NAME	
ASSESSORS TITLE	SIGNATURE OF ASSESSOR	
REMARKS		

### RESPIRATOR INFORMATION

RESPIRATOR MODEL	MANUFACTURE	SIZE
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### CHANGE-OUT SCHEDULE

**Cartridge/Filter Replacement Frequency:**

<input type="checkbox"/> Hourly	<input type="checkbox"/> Twice each Shift	<input type="checkbox"/> Daily	<input type="checkbox"/> Weekly	<input type="checkbox"/> Monthly	<input type="checkbox"/> Before Each Use	<input type="checkbox"/> After Each Use
<input type="checkbox"/> Other/Specify:						

**Conditions Under Which Change-Out Must Occur: (detail specifics for change-out):**

**CHANGE-OUT LOG**

**Note: If any increase in breathing resistance is encountered prior to change-out report to your supervisor immediately.**

Name	Signature	Date/Time	Filter Type	Increased Resistance In Breathing Prior To Change?		Remark/Problems
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	
				<input type="checkbox"/> YES	<input type="checkbox"/> NO	



## ❖ RESPIRATOR ASSIGNMENT RECORD ❖

**NOTE:** The criteria under which a respirator is to be issued and used are specific for the conditions detailed below.

If conditions (work practices, contaminants etc.) change, a new form must be filled out and filed.

### 1. EMPLOYEE INFORMATION

Employee Name:	ID/Clock Number:
Facility:	Work Location:
Job Title:	Dept./Phone:

### 2. ISSUANCE VALIDITY PERIOD

Issue Date:	Start Date:	Stop Date:
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### 3. RESPIRATOR USAGE REQUIREMENTS

Type Respirator			
Manufacture		Model #	
Size #		Respirator Id Number:	

Type of Respirator to be Issued:

To be Worn Under the Following Conditions:

**Estimated Cartridge/Filter Replacement Frequency:** See Cartridge Change-out Form

<input type="checkbox"/>	<input type="checkbox"/> Twice each Shift	<input type="checkbox"/> Daily	<input type="checkbox"/> Weekly	<input type="checkbox"/> Monthly	<input type="checkbox"/> Other/Specify_____
Hourly					

### 4. MEDICAL SURVEILLANCE

INITIAL EXAMINATION:  NOT RECOMMENDED FOR RESPIRATOR ISSUANCE

At this examination on \_\_\_\_\_ no contraindications to the use of respiratory equipment described above have been identified.

Physician's Name: \_\_\_\_\_ Physician's Signature: \_\_\_\_\_

RE-EXAMINATION:  NOT RECOMMENDED FOR RESPIRATOR ISSUANCE

Date: \_\_\_\_\_ Contraindications:  Yes  No

Comments: \_\_\_\_\_

Physician's Name: \_\_\_\_\_ Physician's Signature: \_\_\_\_\_

### 5. PROGRAM SURVEILLANCE

REQUIREMENT	DATE	BY WHOM	EMPLOYEE'S SIGNATURE	COMMENT
Informed of Hazard(s)				
Trained in Safe/Proper Work Practice(s)				
Issued Respirator or Given Permission to Draw One				
Trained in Respirator Usage				
Fit Tested (qualitative)				
Fit Tested (quantitative)				
Trained in Emergency Procedure(s)				

### 6. ADDITIONAL COMMENTS


### 7. EMPLOYEE NOTIFICATION

I certify that I have been informed of the requirements detailed on the front and reverse side of this form. I will contact my supervisor if at any time I am not sure a safe work practice. \* Further detailed on attachment: Yes  No

Name:	Signature:		
Title:	Date:	Time:	

FORM RETENTION INFORMATION		ATTACHMENTS
Permanent Retention File:	Location:	*Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Filed:	Filed By:	*See Following Pages



**SCBA RESPIRATOR/REGULATOR/TANK  
ANNUAL INSPECTION RECORD**

**SCBA MASK -- OWNER INFORMATION**

LAST NAME	FIRST	EMPLOYEE NUMBER
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**RESPIRATOR MASK INFORMATION**

<b>APR Make &amp; Model</b>	MSA Ultra-Twin II (or, if other: _____)		
<b>SCBA Make &amp; Model</b>	MSA Ultra Lite (or, if other: _____)		
<b>APR MASK SIZE (S, M, L)</b>		<b>SCBA MASK SIZE (S, M, L)</b>	
<b>DATE OF INSPECTION</b>			

**RESPIRATOR INSPECTION CRITERIA**

COMPONENT:	OK (√)	DEFECTS FOUND:	CORRECTIVE ACTION TAKEN:
Cartridge Holder Threads:			
Cartridge Filter Pack Closed:			
Connections:			
Elastomeric Parts OK, Pliable?			
Exhalation Valve Assembly:			
Facepiece:			
Gaskets:			
Harness Assembly:			
Headbands:			
Hose Assembly:			
Inhalation Valve:			
Nosecup Valves:			
Speaking Diaphragm:			
SCBA Hose:			
SCBA Regulator:			
SCBA Tank Number(s) Inspected:			
SCBA Tank Threads Clean, Smooth:			
SCBA Tank at Least 90% Full:			

<b>COMMENTS:</b>			
<b>INSPECTOR SIGNATURE/DATE:</b>			
<b>SUPV. DA INVEST. SIGNATURE:</b>		<b>DATE:</b>	

**FORM RETENTION INFORMATION**

**DATABASE ENTRY**

Retention File:	Location:	By Whom:
Date Filed:	Filed By:	Date:

EFFECTIVE DATE: **November 15, 2005**

REVISION DATE: April 1, 2010

APPROVAL: [REDACTED]  
Mike Smith, *Chief – Bureau of Investigation*

**4000.45**

## **GROOMING STANDARDS**

### **PURPOSE**

Grooming standards are intended to reflect a professional image of the Bureau of Investigation throughout the community, as well as within the District Attorney's Office. These standards also exist to enhance the safety of staff members. The following standards will be monitored for change on an "as needed" basis. Any exception to these standards shall require authorization from the Chief or his designee.

### **Hair**

#### Male Employees - Sworn

All sworn male employees shall keep their hair clean and properly trimmed at sufficiently frequent intervals as to present a neat appearance at all times. The hair shall be maintained in such a manner as to be reasonably close to the head and the back of the hair shall be trimmed in such a manner as to not drop below the top of a dress shirt collar. Hair may be of such a length as to come in contact with the backside of the ear and may extend halfway over the ear.

#### Female Employees – Sworn

All sworn female employees shall keep their hair clean, neat and well groomed. The hair shall be arranged so that it does not interfere with vision in any way and is kept out of the eyes.

### **Sideburns**

#### Male Employees – All

Sideburns shall not extend below the bottom of the ear and shall be well groomed and neatly trimmed so as to avoid any coverage of the ear. Sideburns may not flair at the base and shall not exceed one inch in width. Sideburns shall be trimmed at the lower most point in a horizontal line.

## Mustaches and Beards

### Male Employees – All

A short and neatly trimmed mustache or beard of natural color may be worn. Mustaches and beards shall be well groomed and of a conservative style. Unusual or exaggerated styles are not permitted.

## Hair Color

### Male and Female Employees – All

Hair color shall be conservative and within the spectrum of normally occurring human hair.

## Jewelry

### Male – Sworn and Technician Personnel

Employees may wear a maximum of two rings consisting of band types or small settings only. Only one wristwatch may be worn. One bracelet may be worn at a time, provided it is metallic jewelry grade in composition and does not contain components that “dangle” from it which might cause a hazard by being caught in equipment. Earrings shall not be worn. Necklaces shall not be visible while dressed in standard business attire.

### Female – Sworn and Technician Personnel

Employees may wear a maximum of two rings consisting of band types, low prong, or small settings only. Only one wristwatch may be worn. One bracelet may be worn at a time, provided it is metallic jewelry grade in composition and does not contain components that “dangle” from it which might cause a hazard by being caught in equipment. Earrings shall be either stud or hoop style. A maximum of two earrings may be worn in each ear. If hoop earrings are worn, they shall be worn in the earlobe area only, and be no larger than ½” diameter.

With the exception of pierced ears for female staff, no visible display of pierced body jewelry shall be allowed for any Bureau employee.

Any bracelet worn shall be constructed in such a fashion as to not interfere in any way with the performance of the employee’s primary assignment or duties. In addition, sworn personnel shall not wear any bracelet that might interfere with the safe use, drawing, or holstering of their assigned weapon(s). Wearing leather, plastic and/or rubber bracelets/bands is prohibited.

## Fingernails

All employees' fingernails shall be maintained so as to not interfere in any way with the performance of their primary assignment or duties. In addition, sworn personnel shall maintain their fingernails so as to not interfere with the safe use, drawing, or holstering of their assigned weapon(s). Sworn and technician personnel shall not have decals or jewelry attached to the fingernails.

Revised 03/11/2010

EFFECTIVE DATE: November 25, 2005

REVISION DATE: November 10, 2009

APPROVAL: [REDACTED]  
Mike Smith, Chief – Bureau of Investigation

4000.46

**SEARCH WARRANTS AUTHORIZING HIV TESTING OF CRIMINAL DEFENDANTS**

A. POLICY

1. It is the policy of the Bureau of Investigation to facilitate the efforts of the HIV Search Warrant Investigative Technician in securing and serving search warrants for HIV testing of defendants pursuant to P.C. 1524.1.

B. PURPOSE

1. State law permits the court to issue a search warrant upon the request of the victim of any crime where blood, semen, or other body fluid identified by the State Department of Health Services as capable of transmitting HIV is believed to have been transferred from the accused to the victim. The search warrant is then served upon the defendant, the blood is drawn by medical staff and is then submitted for testing. The results are returned to the HIV Investigative Technician for notification to the victim.

B. PROCEDURE


- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Rev 2-25-10

EFFECTIVE DATE: December 15, 2005

REVISION DATE: April 1, 2010

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.47**

## **UNIFORM STANDARDS**

### I. Policy

It is the policy of the Bureau of Investigation to maintain uniformity in the wearing of all authorized uniforms and equipment. Bureau personnel are required to wear and use only what has been authorized and set forth within this policy. Exceptions to this policy are authorized only at the direction of the Chief or his designee.

### II. Maintenance of Uniforms and Equipment

Bureau personnel shall maintain all articles of uniform and equipment in a clean and serviceable condition. Bureau personnel shall maintain these articles ready for immediate use.

### III. Wearing of the Uniform

Bureau personnel are required to wear the uniform articles described in this policy while participating in the service of a search warrant or while serving in special assignments where the wearing of the uniform is appropriate.

Special assignments may include search warrant or arrest warrant service, assisting other agencies, community awareness activities, disaster operations, community service events, and during various training assignments. Bureau personnel shall not wear any part of the uniform when off duty, except as specifically authorized by the Chief or his designee.

Unless authorized for good cause in advance by their supervisor, Bureau personnel shall not deviate from the authorized uniform by wearing items such as jeans, shirts and caps with various logos, or tennis type shoes.

### IV. Altering Style of Uniform

Uniforms shall be made of the material and in the style prescribed and such style shall not be altered or changed in any manner without the express consent of the Chief or his designee. Jewelry, pins, insignia or personal ornaments shall not be affixed to any part of the uniform or equipment.

### V. SWORN PERSONNEL

The authorized uniform for sworn personnel shall be:

#### 1. Lightweight Duty Jacket

The jacket shall be manufactured by “Fechheimer/Flying Cross,” or similar brand, constructed of black nylon with optional zipper liner, two front patch pockets, two hand warmer pockets and a zipper front.

The jacket shall have San Bernardino County District Attorney Police patches sewn on both sleeves, ½” below the shoulder seam and centered.

Black cloth name tape containing the employee’s first initial and last name shall be sewn above the right breast pocket. The name tape shall be approximately 1” wide and adjusted to match the full width of the pocket. The lettering shall be gold in color.

A San Bernardino County District Attorney cloth badge shall be centered and sewn ½” above the left breast pocket.

A placket shall be affixed to the upper back of the jacket, centered between the shoulder seams. The placket shall be black in color and contain the word “Police” above the words “DA Investigator.” The word “Police” shall be in 3” letters and the words “DA Investigator” shall be in 2” letters. All lettering shall be gold in color.

## 2. Pants

The pants shall be of a “BDU” (Battle Dress Uniform) style. The pants shall be composed of cotton or nylon based fabric, and shall be black in color. The pants shall be designed with multiple pockets that are sufficient to carry tactical gear. Pocket flaps shall be secured by Velcro, buttons or snaps. The pants shall be “Blauer,” model 8810, Topps, model PA601139, Pro Tuff, model MS110P, “5.11 Tactical Pants” or similar brand, tailored to fit properly, and the length of the pant leg shall allow for a medium break against the instep of the uniform boot or shoe. The pants shall not be worn in a “blouse” fashion, but be worn over the boot or shoe.

If appropriate for an assignment, chinos or denim pants may be authorized for wear with the approval of a supervisor.

## 3. Shirt

The shirt shall be a “Port Authority” or “5.11” brand polo shirt, or similar brand. The shirt shall have a three button front, be black in color and may be short or long sleeved.

A San Bernardino County District Attorney cloth badge shall be embroidered on the left chest area. The employee’s first Initial and last name rank shall be gold in color and embroidered in ¼” block on the right chest area. Directly under the employee’s name shall be embroidered in ¼” gold block lettering the

employee's rank (Chief, Assistant Chief, Supervising Investigator, Senior Investigator or Investigator).

*Polo Shirts with the rank embroidered under the cloth badge that do not have the employee's name on them that were obtained prior to the effective date of this policy may be worn until December 31, 2011. Any new polo shirts obtained after the effective date of this policy shall comply with the new embroidery requirements.*

The shirt shall be worn tucked into the uniform pants.

No other shirt with a logo is approved for wear while on duty.

#### 4. Belt

The belt shall be of sturdy leather, cotton construction or nylon, capable of properly securing a holstered pistol, handcuff case and clip-on style badge. If so elected, a "Chambers," model 6050-01 or model 6010-01, or similar brand basket weave or plain leather belt may be worn.

#### 5. Headgear

Baseball type caps may be worn to protect the head from the effects of the weather; including wind, rain or sun. Caps must be composed of a cotton fabric. They shall be plain black in color with the word "Police" embroidered in ¾" wide by 1" high gold printed lettering across the front panel. Acceptable brands and models may include, but are not limited to: Greenwood Twill Cap – model 6754 "Police"

#### 6. Footwear

High or low cut oxford type shoes or boots may be worn. Footwear will have plain toes and no stitching on the top of the toe. Footwear shall be of a fabric or leather composition; or a combination of the two. If the footwear is comprised exclusively of leather, it shall not have a high gloss plastic or patent leather type finish. Footwear shall be black in color. The soles of shoes or boots shall be designed with a non-slip, raised tread material. No smooth soled footwear will be allowed. Socks shall be black in color when wearing the Field Operations uniform. White socks are not allowed.

#### 7. Ballistic Raid Vest

As outlined in policy number 4000.27, a department-issued ballistic vest shall be worn. For situations requiring a ballistic vest, sworn personnel shall wear a black nylon department-issued tactical ballistic vest. The ballistic vest will be encased in a department-issued black nylon tactical carrier. The back of the

vest shall have the words "POLICE" in three-inch high gold-colored block lettering with the words "D.A. INVESTIGATOR" in one-inch gold-colored block lettering directly beneath the "POLICE" lettering. The front of the vest shall have a department-issued District Attorney cloth badge stitched to the upper left breast. The front right breast of the vest shall also have the words "POLICE" in one and one-half-inch high gold-colored block lettering with the words "D.A. INVESTIGATOR" in half-inch gold-colored block lettering directly beneath the "POLICE" lettering.

Department issued tactical covers with permanently affixed pockets or department issued tactical covers with molle straps are approved for use. Investigators are authorized to purchase and affix a sturdy, high quality black nylon handcuff, radio, magazine, flashlight and/or a utility pocket on the molle. Pouches affixed to the molle are required to have Velcro or snap closures. Nylon or hard plastic clips on pouches affixed to the vest are prohibited. Investigators are prohibited from affixing a holster to the vest's molle.

## VI. INVESTIGATIVE TECHNICIANS

### 1. Lightweight Duty Jacket

The jacket shall be "Cardinal," or similar brand, constructed of navy blue nylon with a sewn in liner, two hand warmer pockets and a snap button front.

San Bernardino County District Attorney Police patches shall be sewn on both sleeves at the shoulder and will be centered on the middle crease of the sleeve.

A placket measuring 3" x 1" shall be affixed to the sleeve, ½" below the shoulder patches. The placket shall be black in color with gold and blue border. The words "Investigative Technician" shall be on this placket in gold lettering.

A navy blue placket shall be displayed on the upper back of the jacket, centered between the shoulder seams. The placket shall have a gold border and the words "District Attorney Investigative Technician" in 1" gold lettering.

### 2. Investigative Technician Uniform

The investigative technician uniform may be worn while working in the office or while performing field duties. The uniform may be required to be worn when assisting in certain special assignments.

### 3. Pants

Uniform pants shall be "Blauer," model 8810, or similar brand. The pants shall be black in color. The pants shall have two front quarter pockets and two

pleated double thigh pockets. The two hip pockets shall have button tabs. The pants shall be tailored to fit properly and the length of the pant legs should allow for a medium break against the instep of the uniform shoe or boot.

#### 4. Shirt

The shirt shall be an "Outer Banks" polo shirt, or similar brand. The shirt shall have a three button front and be gray in color.

A San Bernardino County District Attorney cloth badge shall be embroidered on the left chest area. The employee's first initial and last name shall be black in color and embroidered in script on the right chest area of the shirt. The title of "Investigative Technician" shall be black in color and embroidered in ¼" block lettering under the employee's name.

The shirt shall be worn tucked into the uniform pants.

#### 5. Belt

The belt shall be a "Chambers," model 6050-01, or similar brand. The belt shall be 1 ½" wide and be of a black basket weave design.

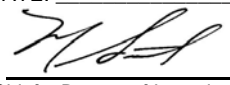
#### 6. Footwear

Footwear shall be black in color. High or low cut shoes or boots may be worn. Footwear will have plain toes and no stitching on the top of the toe. Socks shall be black in color when wearing high or low cut shoes with the uniform.

Revised 03/11/2010

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REVISION DATE: \_\_\_\_\_

APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.48**

## **CRITICAL AND SERIOUS INCIDENT NOTIFICATION**

### A. POLICY

When critical and serious incidents occur it is important for certain Bureau of Investigation (B of I) and Office personnel to be notified as soon as practical. Proper notification during these incidents helps ensure appropriate deployment of personnel, equipment and other resources. This leads to the Law Enforcement Incident Command System (LEICS) being utilized by personnel, as necessary.

To ensure notifications are handled by the appropriate personnel, the following procedure is hereby established.

### B. DEFINITIONS

1. A critical incident is any event that may be defined as an emergency requiring notification of command personnel, county officials and other predetermined personnel.
2. A serious (liability) incident is defined as any incident or occurrence (including traffic collisions) involving serious personal injury and/or death where the County may be implicated as a contributing factor.

### C. PROCEDURES

#### 1. RESPONSIBILITIES

The Critical Incident Notification Guide will be maintained by the Assistant Chief of Operations and will be updated as needed.

#### 2. CALL OUT PROCEDURES

The attached chart specifies notification responsibilities during certain critical and serious incidents.

## SBCDA - B of I

### Critical Incident Notification Guide

<b>Procedures:</b> Locate incident in left column (below). Refer to guide below table for number assignment of person responsible for notifying specific personnel. Example: "In-custody death or critical injury" - the Assistant Chief of Operations would be notified by (4) - SDAI of Affected Division.	SDAI of Affected Division	SRT Coordinator	Asst Chief - Operations	Asst Chief - Admin.	Chief - B of I	DA Executive Staff	District Attorney* Peer Support Coordinator	SBCSD (and Coroner)
Natural/Man-Made Occurrence (disaster) - potentially requiring BofI resources	5	2	4	4	2/3	1	1	2
Impending in-County event that may require commitment of BofI resources	5	2	4	4	2/3	1	1	2
Active Shooter on SBCDA Office property	5	2	4	4	2/3	1	1	2
On-duty death of SBCDA employee			4	4	2/3	1	1	2
Off-duty death of BofI employee			4	4	2/3	1	1	2
SBCDA employee caused homicide, death or critical injury of any person	5		4	4	2/3	1	1	2
DA Investigator involved fatal accident or critical injury	5		4	4	2/3	1	1	2
Arrest, pending arrest, or implication of serious criminal conduct of a SBCDA employee	5		4	4	2/3	1	1	
Arrest, pending arrest, or implication of serious criminal conduct of a high ranking government official within the County	5		4	4	2/3	1	1	
On-duty hospitalized injury of a BofI employee	5		4	4	2/3	1	1	2
Off-duty hospitalized injury of a BofI employee	5		4	4	2/3	1	1	2
DA Investigator involved shooting, on or off-duty, with injury in California	5		4	4	2/3	1	1	2
DA Investigator involved shooting, on or off-duty, without injury in California	5		4	4	2/3	1	1	2
Serious SBCDA Office liability incidents (traffic accidents, personal injury, property damage)	5		4	4	2/3	1	1	2
DA Investigator field activities involving emergency assistance from outside agencies	5		4	4	2/3	1	1	2
High Risk Search/Arrest Warrant operation	5	4	4	4	2/3	1	1	
Events that may cause major media focus on the SBCDA	5		4	4	2/3	1	1	
Explosive device found on SBCDA property	5		4	4	2/3	1	1	2
In-custody death or critical injury	5		4	4	2/3	1	1	2
On-duty intoxication or illness of a BofI employee requiring hospitalization	5		4	4	2/3	1	1	

**Notifier:** 1= Chief of BofI, 2= Assistant Chief of Operations, 3= Assistant Chief of Administration, 4= Supervising DAI of Affected Division, 5= Involved BofI Employee

**\*The District Attorney or his designee will make notifications to the PIO-DA, County Counsel, Board of Supervisors, County CEO and Risk Management as necessary.**



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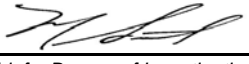
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EFFECTIVE DATE: August 30, 2016

REVISION DATE: \_\_\_\_\_

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

## 4000.50

### **INCIDENT COMMAND SYSTEM**

#### A. POLICY

The Incident Command System is a vital tool used to manage law enforcement personnel and other first responders during critical incidents, disasters, and other unusual occurrences. This policy is established to assist the Bureau of Investigation (B of I) with the effective deployment and management of personnel, resources and equipment during these incidents.

#### B. DEFINITION

The Incident Command System (ICS) is a field management system that has a number of basic system features. ICS has the flexibility and adaptability to be applied to a wide variety of incidents and events both small and large.

ICS incorporates five management functions: Command, Operations, Logistics, Planning & Intelligence, and Administration & Finance. An incident may be managed by a single person when it is small. As an incident grows, the Incident Commander may become overwhelmed by a particular function. When this happens, the Incident Commander will appoint a person to that function to allow the Incident Commander to maintain control of the incident and all available resources.

#### C. PROCEDURE

When a Tactical Alert has been declared the B of I shall activate the Bureau Command Post (Command Post). Once the Command Post is activated, all Supervising Investigators shall report the status of their assigned personnel to the Command Post. During a critical incident, unusual occurrence or other emergency, efficient and effective deployment of B of I personnel is important. An Incident Commander will be appointed and the ICS should be activated and staffed by available personnel at the Command Post.

The Command Post will be considered part of the Department Operations Center (DOC) for the District Attorney's Office. Refer to the Department Emergency Operations Plan (DEOP) on STARnet.

##### 1. COMMAND

The Incident Commander's responsibility is the overall management of the incident. On many incidents, a single Incident Commander can



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REVISION DATE: \_\_\_\_\_

APPROVAL:   
Mike Smith, Chief – Bureau of Investigation

**4000.51**

**EVACUATIONS**

A. **POLICY**

Evacuation procedures will help prevent and mitigate injuries, property damage and emotional trauma resulting from natural disasters, fires, and other serious incidents caused by humans or nature. These procedures are one segment of our overall Department Emergency Operations Plan (DEOP).

The ranking person on-duty during the evacuation of a District Attorney's Office location shall, as soon as practical, telephone or otherwise notify an on-site District Attorney Investigator. **The investigator receiving notification shall ensure immediate notification of the District Attorney and Executive Staff, preferably via the Bureau of Investigation (B of I) chain of command.**

**Per B of I Policy 4000.12 (Office Security) and District Attorney Office Policy 3.02 of Section III (Office Security)**, investigators are responsible for the security of our work places and the safety of our employees. All District Attorney's Office personnel are *required* to cooperate with the investigators in all matters involving security procedures and emergency operations, such as fire alarms, bomb threats, sudden human violence and breaches of security. At the onset of an emergency, the B of I will activate the DEOP (the latest version may be found on STARnet).

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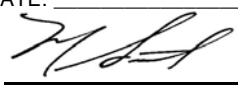
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APPROVAL:   
Mike Smith, *Chief – Bureau of Investigation*

**4000.52**

## **DEBRIEFING OF CRITICAL INCIDENTS**

### A. POLICY

It shall be the policy of the Bureau of Investigation (B of I) to conduct a debriefing of any critical incident. An after-action report will be prepared by the Assistant Chief of Operations, or designee, and forwarded to the Chief Investigator for the purposes of developing a training needs assessment, and dissemination of lessons learned.

To ensure a proper debriefing occurs, the following establishes a uniform procedure for critical incident debriefing, defines roles and responsibilities for debriefing, discusses the proper completion of an after-action report and provides for the distribution of applicable training materials.

### B. DEFINITIONS

1. After-Action Report – This report is intended to identify strengths, weaknesses, recommended improvements and relevant training for personnel. The report should accurately define what occurred or did not occur with regard to a particular incident. The report summarizes the chronology of the critical incident as well as analysis of the tactics, equipment, communication, cooperation, and level of preparedness of participants.
2. Debriefing – The after-action process of discussion and reconstruction of a critical incident with the goal of providing a record of lessons learned and encouraging continuous improvement in organizational and individual performance.
3. Critical Incident – Defined as:
  - a. Any incident involving B of I personnel using lethal force.
  - b. Any unplanned occurrence which threatens the peace or safety of the Office or community.
  - c. Any planned or unplanned event which requires the implementation of the law enforcement command structure to manage assets and response.
  - d. Any other incident requiring the use of significant B of I assets or which is deemed to be significant by the Chief Investigator or commanding officer for that incident.

## C. PROCEDURE

1. Following the incident, the Assistant Chief of Operations, or designee, shall preside over a debriefing unless reasonable justification exists for not doing so. In making this determination, the following shall be considered:
  - a. The type and seriousness of the incident.
  - b. The potential to activate, or the actual activation of, the Incident Command System (ICS).
  - c. The utilization of other County departments or other law enforcement agencies.
  - d. The potential to derive information from the incident which may be of value in providing training for future incidents.
2. The debriefing shall be conducted as soon as practical after the event, with input from the following components of the incident:
  - a. All B of I personnel who were involved in the incident.
  - b. Representatives from all components of the ICS, if activated.
  - c. Representatives from any County departments that were utilized.
  - d. Representatives from any outside law enforcement agencies that were utilized.
  - e. Others deemed appropriate and relevant to the debriefing.
3. The purpose of the debriefing shall be to identify ways in which the B of I's response to incidents may be improved and to identify potentially relevant training. The debriefing shall not supersede, or substitute for, any other investigation or report required by law or policy.

The debriefing shall include discussion of:

- a. Initial Response Factors:
  1. Contingency plan(s)
  2. Staffing levels at the outset of the incident
  3. Communications preparedness
  4. Call-out protocol
  5. Cooperation
- b. Incident Management:
  1. Incident Command System (ICS)
  2. Call-outs
  3. Notifications

4. Press Information
  5. B of I Services – non-incident related
  6. Relief
  7. Other B of I resources
  8. Return to normal services
- c. Tactics:
1. Perimeters
  2. Office Security
  3. Evacuation
- d. Communications:
1. Quality
  2. Timeliness
- e. Equipment:
1. Utilized
  2. Missing
  3. Malfunctioning
  4. Needed for future incidents
5. The Assistant Chief of Operations or designee presiding over the debriefing of a critical incident must consider that personal liability and/or discipline may result from a criminal and/or administrative investigation of the incident, and may excuse personnel from the debriefing on this basis. Having in mind that a criminal and/or administrative investigation may occur, discussion of B of I policy as it relates to the particular action(s) of participants should be avoided.
  6. Within fifteen (15) calendar days, the Assistant Chief of Operations shall ensure an after-action report is prepared and submitted to the Chief Investigator via the chain of command. This report shall summarize the information received in the debriefing, identify the relevant response, management, tactical, equipment, communications or training issues, and recommended improvements for response to future incidents. The report shall not supersede nor substitute for any other investigation or report mandated by law or policy. The report shall be in interoffice memorandum format.
  7. The Chief Investigator shall cause the after-action report to be reviewed by Assistant Chiefs for the purpose of analyzing the strategy utilized and identifying relevant training and/or equipment needs.
  8. The Assistant Chief of Administration will determine when and how best to disseminate the relevant training information.
  9. The Assistant Chief of Administration will ensure identified equipment needs are sufficiently addressed.
  10. This evaluative and deliberative process is intended to foster freedom of expression among B of I personnel involved in incidents for the purpose of

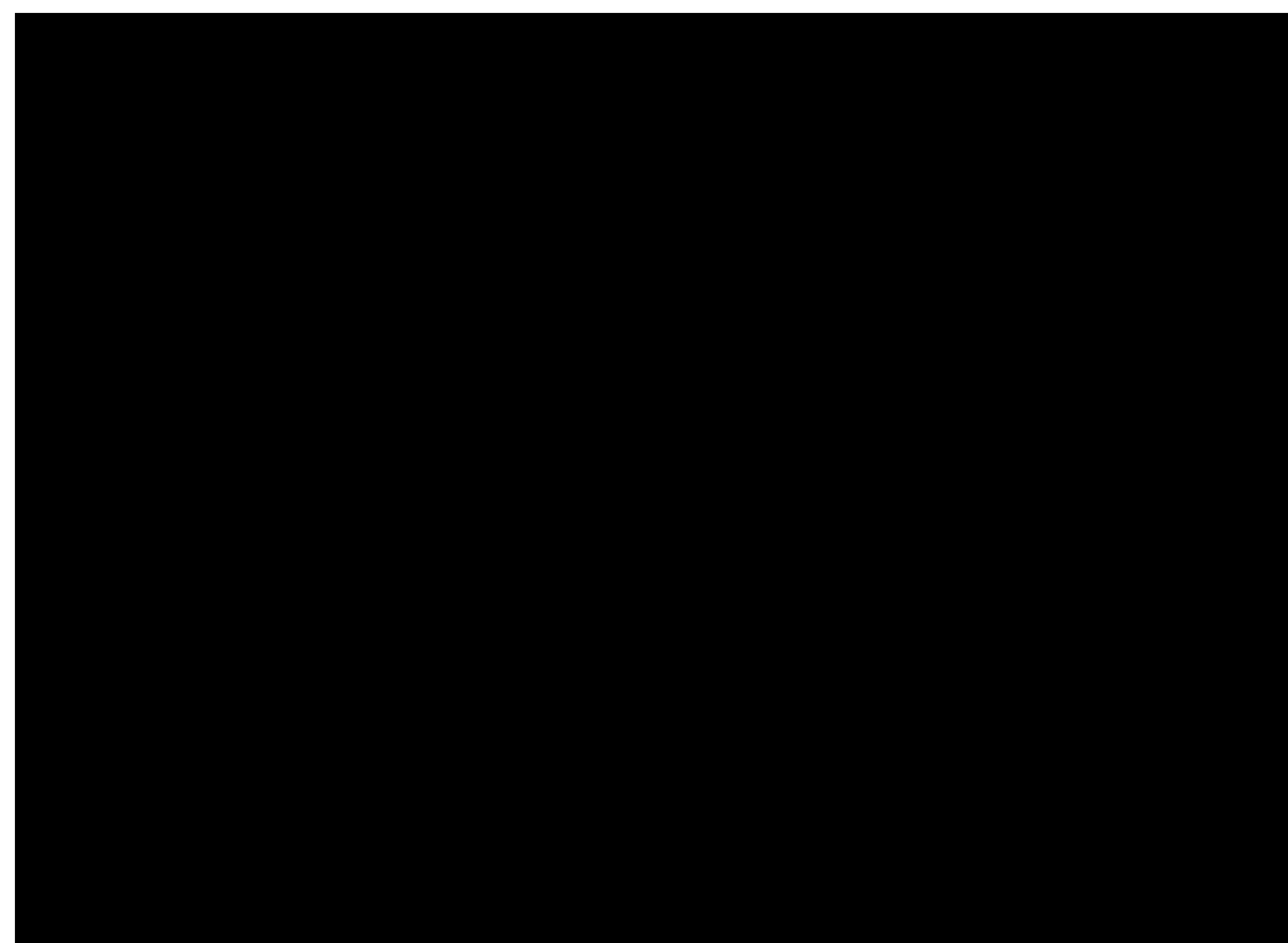
enhancing future B of I responses, decision making and policy formulation. Consequently, all personnel involved in debriefings shall treat the information as *confidential* and not subject to disclosure except by order of the Chief Investigator.

11. RETENTION OF REPORTS AND TRAINING DOCUMENTS

- a. All reports and training documents developed pursuant to this section shall be retained by the Assistant Chief of Administration, in compliance with law and/or policy.

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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 investigator of this Bureau of Investigation is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

#### 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).

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

### 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 Bureau of Investigation 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 training, monitoring, evaluation and a careful balancing of all interests.

### 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 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

## *Use of Force*

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appropriate use of force in each incident. The least intrusive force option is not required as long as the force used is objectively reasonable.

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 tools, weapons, or methods provided by the Bureau of Investigation. 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 investigator may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. An investigator 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. 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.
- (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 (Penal Code § 835a).
- (e) The effects of 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.

## *Use of Force*

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- (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.
- (l) Training and experience of the investigator.
- (m) Potential for injury to investigators, suspects, 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 DUTY TO INTERCEDE

Any investigator present and observing another investigator using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. Before interceding, the investigator should take into account there may be a threat posed by the subject that is not apparent. An investigator who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

### 300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual, or someone exhibiting passive resistance (Example - a person refusing to move or vacate when an order to disperse has been given.). Investigators may only apply those pain compliance techniques for which they have successfully completed Bureau of Investigation-approved training. If POST-approved training completed prior to Bureau of Investigation employment is being relied upon, the curriculum for that training course must meet current POST standards and not be in conflict with current training provided by SBCSD. 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.

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### 300.3.5 NECK RESTRAINTS

The proper application of the Lateral Vascular Neck Restraint (LVNR), the only authorized form of neck restraint, may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the LVNR is subject to the following:

- (a) The investigator shall have successfully completed Bureau of Investigation-approved training in the use and application of the LVNR. If POST-approved training completed prior to Bureau of Investigation employment is being relied upon, the curriculum for that training course must meet current POST standards and not be in conflict with current training provided by SBCSD.
- (b) The LVNR may only be used when circumstances perceived by the investigator at the time indicate that such application is reasonably necessary to control a person in any of the following circumstances:
  1. The subject is violent or physically resisting.
  2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm investigators, him/herself or others.
- (c) The application of a LVNR on the following 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 applying a LVNR:
  1. Females who are known to be pregnant
  2. Elderly individuals
  3. Obvious juveniles
  4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the LVNR applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The investigator shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the LVNR and whether the subject lost consciousness as a result.
- (f) Any investigator attempting or applying the LVNR shall promptly notify a supervisor of the use or attempted use.
- (g) The use or attempted use of the LVNR shall be thoroughly documented by the investigator in any related reports.

The bar-arm and choke hold restraints are prohibited.

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### 300.3.6 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.

### 300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable investigator would consider it safe and feasible to do so under the totality of the circumstances, investigators should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified 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. Where feasible, the investigator shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the investigator has objectively reasonable grounds to believe the person is aware of those facts.

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. When possible, investigators should 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 threat of the vehicle, or if deadly force other than the vehicle is directed at the investigator or others.

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

### **300.5 REPORTING THE USE OF FORCE**

Any use of force by an employee of the Bureau of Investigation 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. The appropriate supervisor shall complete the Use of Force report form.

#### **300.5.1 NOTIFICATION TO SUPERVISORS**

Any application of force used by an investigator shall be reported to a supervisor as soon as practicable.

Refer to the Officer-Involved Shootings and Deaths policy for additional guidance.

#### **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.

### **300.6 MEDICAL CONSIDERATION**

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. Incidents

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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 an incident in which there has been a reported application of force. The supervisor is expected to:

- (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 report.
  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. If there is a question of policy non-compliance or if for any reason further investigation may be appropriate, consult with an Assistant Chief Investigator.

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 ASSISTANT CHIEF INVESTIGATOR OF OPERATIONS RESPONSIBILITY**

An Assistant Chief Investigator, generally the Assistant Chief Investigator of Operations, 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.

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### **300.8 TRAINING**

Investigators will receive periodic training on this policy and demonstrate their knowledge and understanding.

### **300.9 USE OF FORCE ANALYSIS**

Annually, the Assistant Chief Investigator of Operations should prepare an analysis report on use of force incidents. The report should be submitted to the Chief Investigator. The report should not contain the names of investigators, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by investigators.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.