

COUNTY OF SANTA CRUZ

**OFFICE OF THE
DISTRICT ATTORNEY**

BUREAU OF INVESTIGATION



POLICY MANUAL

06/03

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MISSION STATEMENT

“ To promote and ensure public safety through ethical and just prosecution”.

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression, or intimidation, and the peaceful against violence or disorder, and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied and as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule. Develop self restraint, and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals dedicating myself before God to my chosen profession ... Law Enforcement.

COUNTY OF SANTA CRUZ
OFFICE OF THE DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS

PURPOSE:

The Bureau of Investigations is to provide quality and timely investigations that support the prosecutorial functions of the Office of the District Attorney.

The District Attorney's Office is mandated by California State Law to conduct certain types of criminal investigations. These include, but are not limited to:

Child Stealing	Consumer Fraud
Fair Political Act Violations	Public Corruption
Grand Jury Investigations	Rehabilitations and Pardons
Investigation of Police / Other Official Misconduct	

DISTRICT ATTORNEY INSPECTOR:

Inspectors of the Bureau of Investigations are Peace Officers per 830.1 PC and as such may conduct criminal investigations of violations of the California Penal Code, Welfare and Institutions Code, Health and Safety Code, Vehicle Code, any other state code as well as violations of county ordinances occurring within Santa Cruz County.

Inspectors of the Bureau of Investigations may assist, co-manage, or assume responsibility for certain types of criminal investigations when other law enforcement agencies within the county do not have the resources, manpower, expertise, or there is a conflict of interest to investigate incidents within their jurisdictions.

Inspectors of the Bureau of Investigations may be called upon to provide investigative support working in cooperation with out of county agencies, state agencies, and federal agencies conducting law enforcement activities within the borders of Santa Cruz County.

Inspectors of the Bureau of Investigation may conduct internal investigations of public agencies and investigations that are sensitive and confidential in nature.

POLICY AND PROCEDURES MANUAL SYSTEM

1.1 PURPOSE:

The purpose of this General Order is to create and authorize the maintenance of bureau policies, directives, and orders procedures. The Policy and Procedures Manual will form guidelines and delineate conduct that will affect the operation of the Bureau of Investigations of the Santa Cruz County District Attorney.

1.2 POLICY

The Policy and Procedures Manual will govern the operations within the Bureau of Investigations. This manual is for general dissemination and knowledge and will include the procedural and instructional information necessary for bureau personnel to perform their professional obligations. Every effort has been made to ensure that this manual is consistent with already established and published County policies, however, where there is conflict the established County policy shall take precedence.

1.3 GLOSSARY OF TERMS

Accountability	The state of being held answerable for the proper performance of a duty or function.
Chief	Chief of Inspectors, Bureau of Investigation; a Chief Deputy within the office of the District Attorney.
County	The County of Santa Cruz California
Construction of Gender	The use of the masculine gender includes the feminine gender wherever applicable.
Construction of Singular and Plural	The singular member includes the plural, and the plural the singular.
Construction of Tenses	The present tense includes the past and future tenses.

Contraband	Anything which is illegal to produce or posses.
Department or Bureau	The Bureau of Investigations.
Department Manuals	Reference guides specifying the rules and regulations governing the conduct of personnel and the operations of the department as well as specifying Departmental Policies and Procedures.
Discipline	Management actions designed to correct the conduct or performance of employees who fail to meet established standards including, but not limited to, termination.
District Attorney	The elected chief officer of the District Attorney's Office of the County of Santa Cruz California.
Due Process	The procedure required by law or rule to administer disciplinary action.
Employee	Any person regularly employed and paid by the County of Santa Cruz, whether on a regular or part time basis.
General Order	Written direction issued by the Chief of Inspectors and approved by the District Attorney which are applicable to the Bureau as a whole or a subdivision thereof, which established a policy, regulation, or procedure concerning a given subject, which are effective until revoked by a subsequent order.
Gratuity	Any gift, present, free service, or favor of any kind, offered, provided, or received on account of employment with or services by the County.
Inspector	Personnel, employed as Investigators, who are peace officers as defined in the Penal Code of the State of California, regardless of rank or sex, whether full-time or part-time.
Intra-Departmental Memorandum	The intra departmental memorandum shall be used for disseminating general information which is of importance for a limited period of time.

Misconduct	Any action or conduct on the part of a member of the Bureau which, if true, could be grounds for disciplinary action.
M.O.U.	Memorandum of Understanding; the negotiated agreement between the employees bargaining unit and the County of Santa Cruz California concerning working conditions.
Objective	A desired end for which effort is expended, and which, if attained, fulfills the purposes of the organization. With each objective, there may be a number of related objectives, each of which, if attained, contribute to the accomplishment of the bureau's missions.
Order	An instruction, either written or verbal, issued by a Supervising Inspector, Chief Deputy, or District Attorney.
Personnel	The sworn Inspectors of the Bureau.
P.O.S.T.	Peace Officer Standards and Training; a legislature mandated commission establishing training for all law enforcement within the State of California.
Policy	A statement or description of an agency's attitude towards a given area, which is construed to be a framework within which personnel shall operate and also serve as a guide for decision making.
Procedures	Written directives detailing the method by which the work of the department is to be accomplished covering the operations of units and the bureau as a whole, effective permanently or until revoked by subsequent procedure.
Rule or Regulation	Specific prohibition or requirement which is stated to prevent deviations from policy or procedure. These allow little deviation other than for stated exceptions.
Seniority	A status in the County in the District Attorney's Office Bureau of Investigations established by continuous service and based on date of employment.

Supervisor	A member of the bureau assigned to a position requiring the exercise of direction and control over subordinates, and includes those performing in an acting or temporary capacity.
Unit	A grouping established to ensure the performance of tasks within a particular investigative or administrative area.
Unlawful Order	An instruction, either written or verbal, issued by a superior supervisor, which is in violation of a Federal, State, or local law.
Unmarked Vehicle	A designated emergency vehicle (equipped with radio, lights and siren) owned by the County that displays no distinctive Police markings.
Verbs, Mandatory, and Permissive	"Shall" and "will" are mandatory; "may" and "can" are permissive.

1.4 ANNUAL REVIEW OF THE GENERAL ORDERS MANUAL

The Chief of Inspectors will initiate an annual review of all department General Orders in order to revise any outdated policies or directives. This review will occur at the beginning of each calendar year. This update will be tracked by an inspector or staff member assigned by the Chief.

1.5 AUTHORITY OF THE GENERAL ORDERS MANUAL

All members of the department will read, will adhere to, and will be held accountable for the policies and procedures set forth in this General Order.

1.6 DISTRIBUTION OF THE POLICY AND PROCEDURES MANUAL

All members of the department will receive a copy of the Policy and Procedures Manual. Each manual will be identified by number and that information shall be inventoried by an inspector assigned by the Chief in the same manner as other issued material.

As General Orders are issued or revised, adequate copies shall be distributed to each inspector. Receipt of each issued or revised General Order will be acknowledged by employee initialing a routing slip which shall be maintained in the same manner as other issued material.

1.7 REVISION AND ISSUANCE OF GENERAL ORDERS

All members of the department are encouraged to submit revisions or propose new sections for the General Orders included in this manual. All suggested revisions of existing General Orders and proposals to add or delete General Orders must be submitted on an intra-departmental memorandum to the employee's supervisor.

The Chief may empower any member of the department to develop and implement operating procedures. The Chief will have the final approval on any revision of the current General Orders Manual.

1.8 GENERAL ORDER FORMAT

The individual General Orders will conform to the format that is shown on the following page.

1.9 SPECIAL ORDERS

Because of organizational, institutional, and jurisdictional differences inherent between the bureau, other units within the District Attorney's Office, other divisions of the County government, and other law enforcement agencies with whom the bureau has relationships it is necessary from time to time to issue policy memorandums. These policy memorandums have the force and effect of a general order but will be included in the addendum of this manual and identified numerically as special orders.

ORGANIZATION

2.0 PURPOSE

The purpose of this General Order is to define the organizational structure of the Bureau of Investigations.

2.1 POLICY

The Bureau of Investigations is a division of the Santa Cruz County District Attorney's Office and as such its personnel are employed as peace officers according to the California Penal Code charged with the primary responsibility to provide quality and timely investigations that support the prosecutorial functions of the District Attorney.

2.2 DISTRICT ATTORNEY

The District Attorney is the Chief Executive Officer of the Office of the District Attorney and as such is in overall command of the Bureau of Investigations.

2.3 CHIEF OF INSPECTORS

The Chief of Inspectors is equivalent of a Chief Deputy District Attorney, serving as the supervisor of the bureau of Investigations and is held accountable for achieving the bureau's objectives. To carry out these objectives, the Chief has organized the department personnel and delegated certain responsibilities and authorities. By this delegation, each employee of the bureau contributes their share towards the accomplishment of the bureau's objectives.

- A. Exercise functional control of the overall organizational structure of the bureau.
- B. Ensure adequate personnel for all units in order that they may carry out the directives assigned to each respectively.
- C. Prepare and present an annual budget to the District Attorney for review and approval of the Board of Supervisors which will ensure the proper level of service.
- D. Coordinate and direct the activities of the Bureau of Investigations.

- E. Enhance the cooperation and relationship of the District Attorney's Office with the general public as well as other members of the criminal justice community.
- F. Prepare studies and recommendations.
- G. Exercise control of the bureau through yearly inspections and evaluations as well as through complete and thorough internal affairs investigations as needed.

2.4 INSPECTOR III

Under general direction, serves as a lead investigator who:

- A. Plans, organizes, and participates in the activities of one or more investigative units
- B. Conducts the more complex or sensitive investigations.
- C. Acts as a supervisor to Inspector II's and I's.
- D. Provides assistance and training to other Inspectors.
- E. May conduct administrative investigations of subordinate Inspectors or staff.
- F. Is responsible for assigned administrative tasks, such as, firearms, security, evidence, etc.
- G. Acts as a liaison with other law enforcement agencies.

2.5 INSPECTOR II

Inspectors perform the skilled investigative work in cases referred to the District Attorney for prosecution, in cases that require expertise, such as homicide, kidnaping, fraud, etc., or in sensitive cases involving public office.

2.6 INSPECTOR I

Inspectors work at an entry level, following established policies and procedures, and under direct supervision. Inspectors gain knowledge and experience on the job while attending P.O.S.T. training with the objective of demonstrating expertise in all areas of investigative work.

2.7 ASSIGNMENTS

Assignments are based on specific needs of the District Attorney's Office (lateral prosecution of domestic violence), state mandated needs (Child abductions), needs of special investigations (workman compensation fraud, auto theft, narcotics), needs due to expertise (homicide), and general assignments.

ORGANIZATIONAL STRUCTURE
BUREAU OF INVESTIGATIONS
SANTA CRUZ COUNTY DISTRICT ATTORNEY

CHIEF INSPECTOR

SUPERVISOR
INSPECTOR III

GENERAL FELONIES

INSPECTOR II
INSPECTOR II
INSPECTOR II
INSPECTOR II

DOMESTIC VIOLENCE
PROSECUTION (C.A.V.P.)
INSPECTOR II

VIOLENCE AGAINST WOMEN
(V.A.W.A.)
STATUTORY RAPE VERTICAL
PROSECUTION (S.R.V.P.)
INSPECTOR II

MAJOR FRAUD / ELDER ABUSE
FINANCIAL ABUSE SPECIALIST
TEAM (F.A.S.T.)
INSPECTOR II

WORKER'S COMPENSATION
INSURANCE FRAUD
INSPECTOR II

CHILD ABUSE VERTICAL

INSPECTOR II

GENERAL MISDEMEANORS

CHECK RECOVERY UNIT

INSPECTOR II

CHILD ABDUCTION
CONSUMER FRAUD
ENVIRONMENTAL FRAUD
INSPECTOR II

AUTO THEFT (S.C.A.R.E.)
AUTO INSURANCE FRAUD
INSPECTOR II

NARCOTICS (S.C.C.N.E.T.)
INSPECTOR II

CHAIN OF COMMAND

3.0 PURPOSE

The purpose of this General Order is to establish a "chain of command" philosophy for the Bureau of Investigations.

3.1 POLICY

Employees of the Santa Cruz County District Attorney's Office and the Bureau of Investigations are required to follow their established chain of command in matters of department business. Employees are encouraged to discuss issues with their respective supervisors, however, they should follow their established chain of command when given specific instructions or when requesting specific instructions or resources that are needed.

3.2 DEFINITION: CHAIN OF COMMAND

The lines of communication going upward and downward within the organizational hierarchy through each successive level of command.

3.3 ACCOUNTABILITY FOR PERFORMANCE OF SUBORDINATES

- A. All management and supervisory personnel shall be held accountable for the performance of subordinate personnel under their immediate supervision.
- B. Supervisory staff at all levels of the organization are expected to provide proper direction, coordination, and control of subordinate personnel.
- C. No supervisor shall discipline, correct, or otherwise treat any subordinate in any manner that may humiliate or degrade that subordinate.

3.4 SUCCESSION OF COMMAND

When the Chief of Inspectors is absent from the office, his designee shall serve as the Acting Chief of Inspectors.

3.5 UNITY OF COMMAND

The concept of unity of command states that only one person be in complete command of any operation or incident. This responsibility usually falls to the ranking officer on scene based on seniority or on assignment.

3.6 ORDERS

- A. Inspectors shall adhere to their established chain of command in matters of departmental business.
- B. Inspectors shall obey any lawful order of a supervisor.
 - 1) Orders from a supervisor to subordinate shall be in clear, understandable language, civil in tone, and issued pursuant to departmental business.
 - 2) No supervisor shall issue an order which they know or should know to be in violation of a law or ordinance.
- C. Inspectors in doubt as to the nature or detail of their assignment shall , whenever possible, seek such information from their supervisors by going through the chain of command.
- D. Obedience to an unlawful order is not considered a defense for an unlawful action; therefore, no employee is required to obey an order which is contrary to federal, state, or local law.
 - 1) Responsibility for refusal to obey rests with the employee. They shall be strictly required to justify their action.
- E. Inspectors who are given orders they feel to be unjust or contrary to rules and regulations as differentiated from "Unlawful Orders" must first obey to the best of their ability (except when ordinary and prudent knowledge would indicate that the order would be detrimental to the Office or County), and then may proceed to appeal the order by submitting a memorandum through the chain of command to the District Attorney for his review and/or action.

- F. Upon receipt of an order conflicting with any previous order or instructions, the employee affected will advise the person issuing the second order or instruction of this fact.
- 1) Responsibility for countermanding this original command then rests with the individual issuing the second command. If so directed, the latter command shall be obeyed first. Orders of instructions will be countermanded or conflicting orders or instructions will be issued only when reasonably necessary for the good of the office. The person issuing the original command shall be notified in writing (unless such an emergency exists that issuing an order in writing is not reasonable) by the person issuing the second command of the action taken and the reason thereof.
- G. An Inspector receiving an unlawful, unjust or improper order shall at first opportunity file a memorandum to the District Attorney through official channels. The report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra departmental action regarding such an appeal shall be conducted through the office of the District Attorney.
- H. Failure or deliberate refusal of any employee to obey a lawful order given by a supervisor shall be considered insubordination.

Ridiculing a supervisor or his orders, whether in or out of his presence, or the use of coarse, profane or insolent language to any supervisor is also insubordination.

DUTY

4.0 PURPOSE

The Bureau of Investigations employees are Law Enforcement Officers. The rules of Duty insure conformance to the philosophy and ideals of Police Officers.

4.1 POLICY

These rules reflect the values of the District Attorney's Office and the citizens of Santa Cruz County. Inspectors shall become familiar with these duties and perform accordingly.

4.2 DUTY TO ACT

Inspectors with the Bureau of Investigations are sworn Peace Officers of the State of California, and as such are always subject to duty - to perform the service requisite to the position. When an Inspector is within jurisdictional boundaries of the County of Santa Cruz, appropriate police action should be taken whenever required - subject to circumstances and unless restricted by specific rules, regulations, policies, or procedures.

- A. In any criminal incident committed in the presence of an Inspector, it is expected that this sworn peace officer will take the appropriate action.
- B. In regard to any serious life or health threatening felony committed in their presence, the Inspector is to take the appropriate police action, to the extent they are reasonably and safely able.
- C. In regard to less serious felony incidents observed, reasonable efforts, given the circumstances of the particular situation, shall be undertaken to deal with the incident.
- D. In regard to any criminal incident committed amounting to a less serious misdemeanor or infraction, Inspectors are encouraged to report same to the local agency having jurisdiction - to serve as a reporting party, witness, or informant much as would a private citizen.

4.3 CONDUCT

Inspectors shall at all times conduct themselves in accordance with the laws of the United States of America, of the laws of the State of California, of the laws and policies of the County of Santa Cruz, of the office of the District Attorney, and the California Law Enforcement Code of Ethics.

4.4 OBLIGATION TO TAKE ACTION

Inspectors assigned to special duties or enforcement of certain laws are not relieved from taking prompt, effective law enforcement action outside the scope of their specialized assignment when the occasion so requires.

4.5 Inspectors are required to maintain a working knowledge of applicable laws, policies, procedures inherent in their law enforcement position within the County of Santa Cruz, District Attorney's Office, Bureau of Investigations.

4.6 Inspectors are required to honor court subpoenas, to attend scheduled meetings, or other scheduled assignments and shall do so at the date, time, and place designated.

CONDUCT

5.0 PURPOSE

Rules are intended to insure conformance to law enforcement standards of conduct.

5.1 POLICY

The conduct of peace officers is expected and required to be commensurate with the high level of public trust and reliance placed upon the law enforcement profession. Without this public respect, the peace officer's duties and responsibilities become extremely difficult. Public respect cannot be legislated by any authority, but must be earned by exemplary conduct in the performance of duties.

This policy is intended to provide all Inspectors with an outline of acceptable behavior in the performance of their duties.

- 5.2 Inspectors shall be responsible for the protection of life and property from criminal attack and in emergency situations when the welfare of the community is threatened.
- 5.3 Inspectors shall enforce, in a reasonable and prudent manner, all laws relating to the control of crime and regulation of conduct so as to assure the citizens of the County that orderly activities of the community may proceed without disruption from criminal and irresponsible elements.
- 5.4 Inspectors shall exercise discretion when faced with various situations. Inspectors shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.
- 5.5 Inspectors shall provide their name and identification number in a respectful manner to any person who may request same, except when the withholding of such information is necessary for the performance of law enforcement duties.
- 5.6 Inspectors shall treat all persons equally and with fairness - regardless of race, ethnicity, gender, sexual orientation, creed, religion, age, or social status; avoiding disrespectful or discourteous conduct.

- 5.7 Inspectors shall not willfully mistreat any person, especially one under his custody and control. Only that amount of force necessary to effect an arrest or maintain control of a situation, will be authorized.
- 5.8 Inspectors shall cooperate and assist citizens of the community and venue agencies of the County with such problems and in such situations as customs and traditions dictate in matters both criminal and non-criminal.
- 5.9 Inspectors shall take appropriate police action toward aiding fellow peace officers exposed to danger or in a situation where danger might be impending.
- 5.10 Inspectors will strive to be courteous at all times. Inspectors shall be civil, orderly, quiet in
conduct and deportment - affording every possible attention while providing all proper information upon request.

Inspectors should be tactful in the performance of their duties. They should control their tempers, exercise patience and discretion, and not engage in argumentative, coarse, violent, profane, or insolent discussions - even in the face of extreme provocation.

- 5.11 Inspectors will not devote any of their on duty time to any activity which does not relate to a law enforcement function.
 - A. Examples:
 - sleeping, loafing, idling
 - conducting personal business
 - encourage, suggest, offer or accept sexual favors
 - loitering in taverns, theaters, or other public places

- 5.12 Inspectors shall not smoke or use tobacco products of any kind while on duty and while in direct contact with the public.
 - A. All California government buildings are designated non-smoking areas.
 - B. Inspectors shall not smoke or use tobacco products in county owned vehicles.

- 5.13 Inspectors will not perform any law enforcement duty for the purpose of private gain.

- 5.14 Inspectors, on or off duty, shall avoid becoming officially involved in disputes in their own neighborhoods or criminal incidents involving family members, unless the incident involves an immediate threat to human life.
 - A. Inspectors will first give consideration to their capacity to render an appropriate and adequate response before any action is taken.

- 5.15 When an Inspector, or an immediate family member, is either a victim or a defendant in a case that may be prosecuted or litigated in a criminal court (except traffic infractions) - the Chief of Inspectors will be notified as soon as possible.

- 5.16 Inspectors shall not make arrests arising from circumstances of their own quarrels or those of their families, except under grave circumstances such as would justify them in using measures of self defense, nor shall they apply for a warrant for an assault upon themselves, or make a complaint for damages, or just same without reporting the case in writing through the Chief of Inspectors for his review.
- 5.17 The physical premises secure against unwarranted intrusion is every employee's responsibility.
- A. Windows shall be completely closed and locked each evening before the last employee leaves.
 - B. Items of a sensitive or expensive nature in an employee's possession and control, shall be placed inside a desk or cabinet and locked. If an employee's desk does not lock, a supervisor shall be consulted for other secure alternatives.
 - C. Combinations to locks shall not be released to any person not a member of the immediate staff requiring access.
 - D. Inspectors must work with Santa Cruz County Sheriff's Department to maintain court security during Grand Jury Hearings.
 - E. Outside doors must be in place and locked before the last employee leaves the premises.

IDENTIFICATION

6.0 PURPOSE

The purpose of this General Order is to assure that Inspectors, and the public, are aware of how and when Inspectors in plain clothes should identify themselves as peace officers.

6.1 POLICY

Inspectors of the Bureau of Investigations are dressed in professional attire, not uniforms, so as to conform to their work environment. When officers are required to take police action it is imperative that any citizen involved or as a witness and any police officer be aware of the identity of an Inspector as a Peace Officer.

6.2 Inspectors, when on duty, shall carry their badges and identification cards on their person at all times.

A. Exception: When impractical or dangerous to their safety or to an investigation.

6.3 Inspectors, when involved in any incident that takes any police action, on or off duty, shall clearly identify themselves as a peace officer - orally and by showing said identification.

6.4 Inspectors, when off-duty and in possession of a weapon, shall carry their badges and identification on their person at all times.

6.5 Inspectors shall not use their official position, badges, identification card, or business card:

A. For personal or financial gain (gratuities, discounts, etc.)

B. For obtaining privileges not otherwise available to them except in the performance of duty.

C. For avoiding consequences of illegal acts (traffic citations, DUI, etc.)

6.6 Inspectors may not lend their identification cards or badges to another person, or permit them to be photographed or reproduced.

6.7 Inspectors shall not permit or authorize the use of their name, photographs or official titles which identify them as members of the department, in connection with testimonials or advertisements of any commodity or personal enterprise.

COMMUNICATION

7.0 PURPOSE

Communication, the ability to convey thoughts and ideas, via writing or radio is critical to the law enforcement function. Order and confidentiality is necessary to have police communication.

7.1 POLICY

It is the intent to assure that each Inspector is aware of their limitations when relaying information concerning their profession and its contacts.

7.2 CONFIDENTIALITY

Inspectors shall treat as confidential the official business of the District Attorney's Office.

7.3 COMMUNICATE INFORMATION TO OTHERS

- A. Inspectors shall not obtain or attempt to obtain any information from the Office/Bureau files, CLETS, computer system, mainframe statistics, or reporting system, DA profiles, etc or reports other than that to which they are entitled in accordance with their official interest therein.
- B. Inspectors are not to supply any information to any county official or employee or to any civilian person or group that does not have a law enforcement need to know. No information pertaining to or affecting the internal operations of the District Attorney's Office may be released without prior permission from the Chief of Inspectors.
- C. Inspectors shall not willfully communicate or give out any information which may aid a person to avoid the legal criminal justice process or compromise the security of confidential information.

- D. Inspectors shall not recommend or suggest in any manner, when acting in their official capacity, the employment or procurement of a particular product, professional or commercial service (such as attorney, ambulance, towing, bondsman, mortician, etc.).

7.4 COMMUNICATE IN WRITING

All official correspondence shall be with the approved letterhead and shall include the typed signature of the District Attorney.

7.5 USE OF ADDRESS

Inspectors shall not use the department as a personal mailing address except as authorized and is work related.

7.6 COMMUNICATE IN PUBLIC

- A. Inspectors shall not publicly criticize or ridicule the District Attorney's Office - its policies or employees by speech, writing, or other expression where such expression is defamatory, obscene, unlawful, tends to undermine the effectiveness of the office, interferes with the maintenance of discipline or is made with reckless disregard for truth or falseness.
- B. On occasion, personnel are requested or invited to speak for or to make public appearances in an official capacity. Such interviews will not be accepted unless the District Attorney has reviewed and approved such an appearance.

7.7 COMMUNICATE WITH SUPERVISORS

- A. Inspectors shall keep their immediate supervisors apprized as to the status of all active investigations assigned to them, of their whereabouts during the work day, of any special operations connected with cases, and of any work schedule needs, assistance, vacation, etc.

7.8 COMMUNICATE WITH NETCOM

- A. Inspectors should inform NetCom by telephone or radio whenever they initiate any police action that could potentially lead to a confrontation of any kind. This allows the agency whose jurisdiction the Inspector is in to be apprized of their presence so as to be prepared to assist if necessary and to provide a measure of safety for the Inspector.

DUTY REQUIREMENTS

8.0 PURPOSE

The purpose of this order is to define the duty requirements of all department personnel.

8.1 POLICY

The policy is to provide an outline to assist personnel to better meet their employment requirements.

8.2 REPORTING FOR DUTY

Employees of the bureau shall be punctual and report for duty at the time and place designated by their supervisor. Inability to do so will be reported by the employee to their supervisor no less than two hours prior, unless specific circumstances prevent such notification, to the time set for reporting.

8.3 WORK SCHEDULE

A. DUTY SCHEDULE

1. Inspectors have the option of working an 8 AM to 5 PM tour of duty or an optional 4-10 plan work week of 7 AM to 6 PM with 1 hour unpaid lunch. Any deviation in work schedule must be approved by Chief of Inspectors.
 - a. Failure to report to work on time or leaving work early has a negative impact on morale and productivity of the office and places a burden on the remaining staff.
2. The nature of investigative work requires that Inspectors work a variety of hours outside the normal 8-5 schedule. To alter normal schedule or to use overtime the Inspector should notify his supervisor of such so allowances can be made.

3. The nature of investigative work requires that Inspectors be available at any time, including evenings or weekends, to respond to a major crime scene requiring immediate attention.
4. Inspectors' schedules are assigned at the discretion of the Chief of Inspectors to meet department objectives and are subject to change at any time.

B. OVERTIME

In accordance with Santa Cruz County Personnel Rules and Regulations and the M.O.U. of the D.A. Inspectors, an employee who performs authorized overtime is eligible for compensation on a time and one half basis (after an 80 hour pay period), either by cash payment or compensatory time off.

C. VACATION

1. The amount of vacation time due an Inspector is established by County Rules and Regulations and the bargaining Memorandum of Understanding.
2. Inspectors are encouraged to utilize their vacation benefit so as to be a rested, relaxed employee. All vacation requests will be approved, subject to departmental needs.
3. All vacation requests should be made with the Inspector completing the Vacation Request Form and submitting it to his supervisor for approval and posting on the master schedule.
 - a) Approval will be based on department staffing needs.
 - b) In the instance where there are multiple requests for the same time period, approval will be based on the date of submission.
4. Vacation requests in excess of five (5) days should be made at the beginning of the calendar year.

Vacation requests of less than five (5) days may be requested at any time.

D. SICK LEAVE

1. The amount of sick leave due an Inspector is set by County Rules and Regulations and bargaining Memorandum of Understanding.
2. In all instances of absence due to illness, injury or other emergency, Inspectors are required to notify their supervisor or the bureau's secretary as soon as possible when they determine they are unable to report for duty.
3. All Santa Cruz County Personnel Rules and Regulations apply.

E. MATERNITY AND CHILDBIRTH LEAVE

Normal pregnancy and/or complications arising from pregnancy shall be considered an illness.

1. Maternity leave shall be granted for a period of up to four (4) months. Additional leave time shall only be authorized in those few situations where extended time is medically required.
2. Either/Or female or male employees are eligible for maternity leave.
3. Employees are urged to submit requests for maternity leave as soon as possible so that arrangements can be made to cover their workload.

OUTSIDE EMPLOYMENT

9.0 PURPOSE

It is the purpose of this order to define the requirements surrounding outside employment of Inspectors.

9.1 DEFINITION

Outside employment is defined as labor performed for consideration or as a charitable contribution which is not undertaken on behalf of the District Attorney or in the course of County employment.

9.2 POLICY

It is the policy of the department to recognize that an Inspector may desire to participate in employment outside the scope of their primary employment with the County of Santa Cruz and the District Attorney's Office. Nothing prohibits an employee from doing so, but the department must assure itself that any such secondary employment will not adversely affect the Inspector's job performance or bring discredit, disrespect, or embarrassment to the department.

9.3 PERMISSION

- A. In order for an Inspector to accept secondary employment, they must first apply, in writing, for permission from the Chief of Inspectors.
1. Copies are placed in the Inspector's personnel jacket and the Inspector receives a copy.
 2. Termination of outside employment shall be reported in a memo to the Chief.
 3. Employment permission shall be valid for no longer than one year and must be renewed in January of each subsequent year.

4. Personnel who do not receive prior approval to engage in outside employment may be subject to disciplinary action.

9.4 INCONSISTENT EMPLOYMENT

Personnel shall not engage in any outside employment activity or enterprise which is inconsistent, incompatible or in conflict with their duties, functions or responsibilities; nor shall they engage in any outside activity which, directly or indirectly, adversely affects their job performance; or brings discredit, disrespect or embarrassment to the personnel involved and/or the Office.

- A. Inconsistent, incompatible, or in conflict outside employment shall include, but not be limited to:
 - 1) Private Investigator or Security Guard within Santa Cruz County.
 - 2) Any employment in an establishment whose primary purpose is selling alcoholic beverages, i.e., Bartender, Bouncer
 - 3) Any employment whose primary purpose is debt collection, i.e., Process Server, Repossessor, Keeper.
 - 4) Any employment that is directly associated to gambling, i.e., Dealer, Caller,

9.5 SPECIAL CONDITIONS

- A. No county-owned equipment shall be used by an employee except upon prior approval. This includes the utilization of departmental identification card, badge, and duty weapon.
- B. Personnel involved in an outside business must be appropriately licensed and bonded, as required under existing state and local regulations.
- C. No personnel shall in any way use their position to advertise or obtain an unfair advantage over any business competitors.
- D. All work performed in the course of the employee's outside job or business shall be conducted on off-duty time.
- E. The outside work must not leave the employee tired or subject to injury in his primary position with the Office.
- F. The outside employment must be such that no conflict arises as to County responsibility for an injury incurred in the outside job.

- G. The employee must not accept payment for work which they would normally perform as a County employee.
- H. An employee may not perform work which may later be inspected, audited or reviewed by another County employee without approval of the Chief of Inspectors.

9.6 APPEAL PROCESS

Any employee who has been denied the right to engage in outside employment based on the determination that their secondary employment falls within the prohibitions outlined in this policy may, within five (5) days from the date of notification of the denial file a written appeal to be forwarded to the District Attorney for review.

PERSONAL DATA

10.0 PURPOSE

The purpose of this order is to establish requirements establishing what personal data is required of the position.

10.1 POLICY

The policy of the department is reflected in the need to be able to contact Inspectors during off-duty times.

10.2 ADDRESS AND TELEPHONE NUMBER

- A. Inspectors are required as a condition of employment to have a telephone in the place where they reside.
- B. When hired by or assigned to the Bureau, employees shall immediately record their current address and telephone number with the department.
 - 1) Employees are required to maintain their current address/telephone number with the department. Changes shall be made in writing.

10.3 DRIVER'S LICENSE

- A. Employees whose duties include the driving of a department vehicle shall possess a valid driver's license issued by the State of California.
- B. Employees, when in possession of a departmental vehicle, shall carry their valid California Drivers License on their person.

PERSONAL APPEARANCE

11.0 PURPOSE

To provide a standard of appearance that projects a positive professional image to the public of an Inspector with the District Attorney's Office.

11.1 POLICY

It is the policy of this department to maintain a neat and well groomed appearance in keeping with contemporary standards in the criminal justice system.

11.2 STANDARDS

ATTIRE

Appearances in public require appropriate, conservative, and gender specific business attire.

- A. Attire should be in good taste.
- B. Business suits should be worn.
 - 1. Sport coat with slacks are acceptable
 - 2. Collared shirts and ties shall be worn
 - 3. Jeans will not be worn.
- C. Skirt/dress length shall be discreet, a maximum of 2" above the knee
- D. There should be no display on clothing or of accessories that convey a social, political, or offensive message.

EQUIPMENT

Appropriate police equipment will be worn.

- A. Inspectors shall wear or carry their issued firearm, an extra magazine, their issued badge, and handcuffs.

GROOMING

A. HAIR

Hair, facial and head, should be neatly combed and trimmed without becoming excessively long, unkempt, or untidy. Unusual, faddish hair styles are not permitted. Frosted or high-lighting is permitted.

B. MAKEUP

Makeup shall be in good taste and will be of a type which presents a neat, professional appearance. The excessive use of odorous perfumes is discouraged.

C. FINGERNAILS

Fingernails shall be kept clean and trimmed. Fingernail polish is to be chosen in good taste and in colors compatible with their attire.

D. JEWELRY

Jewelry worn must be in good taste and not excessive and not of the type which could interfere with normal duties.

11.3 EXCEPTIONS

Inspectors who are assigned to a special investigation detail (undercover, firearms, search warrant service, etc.) are exempt from the above policy for the duration of their assignment, at the discretion of the Chief of Inspectors.

PSYCHOLOGICAL FITNESS FOR DUTY

12.0 PURPOSE

Law Enforcement is a profession with unusual amounts of stress which can effect the mental and emotional stability of individuals within its ranks. All members of a unit must assist in ascertaining the continuing emotional and mental fitness of the sworn peace officers and their ability to carry out their duties as armed peace officers.

12.1 POLICY

This policy is set to assist law enforcement officers and supervisors in the recognition of psychological indicators and how to receive psychological help.

12.2 RECOGNITION INDICATORS

The following are symptoms of possible mental or psychological disorders, but are not all inclusive. No single symptom, but a combination of symptoms establishing a not usual behavior, is the key indication of need.

- A. One or more civilian complaints in a short period of time, whether generated externally or internally, particularly complaints of the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating a possible inability to exercise self-control and self-discipline.
- B. An abrupt change in customary behavior.
- C. Excessive lateness and/or absenteeism.
- D. Sleeping on duty.
- E. Overeating for failing to eat.
- F. Apparent inattention to personal hygiene.
- G. Inappropriate and/or excessive use of alcohol or other stimulants.
- H. Symptoms of use of drugs, including memory losses.
- I. Impatience or loss of temper.
- J. A pattern of conduct indicating a possible inability to defuse tense situations and/or a tendency to escalate such situations or to create and/or escalate confrontations.
- K. Domestic discord.
- L. Irrational verbal or other conduct.
- M. Involvement in a shooting or other incident resulting in death or serious injury to a suspect, victim, witness, or self.

- N. Expression by the employee, direct or indirect, of doubts concerning their own mental or emotional stability.
- O. Any other reason giving rise to a concern as to an employee's fitness to occupy the position of peace officer.

12.3 REFERRAL

- A. Any Inspector observing any circumstances indicating that a question exists as to the mental or emotional fitness of any fellow employee shall prepare a written report indicating all such circumstances and submit it to the Chief of Inspectors.
- B. If the Chief of Inspectors determines, in the exercise of his discretion, that it is appropriate to refer an inspector for psychological examination and evaluation of such an employee's mental or emotional fitness for duty, he shall issue an order in writing to the Inspector being referred, indicating the date, time and place of such an examination and, in brief form, the factual circumstances giving rise to the concern about the Inspector's mental or emotional fitness for duty.
- C. 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 California Government Code 1031(f).

12.4 NO DOCTOR-PATIENT RELATIONSHIP

Since the psychologist engaged to perform fitness-for-duty mental and emotional examination is not being consulted by a referred Inspector for treatment or diagnosis, but is engaged by the Office to evaluate the Inspector's mental and emotional fitness for duty, there will be no psychotherapist patient relationship between the psychologist and the Inspector, and no privilege of any kind will exist as to any information supplied to the psychologist for any purpose.

12.5 INFORMATION TO PSYCHOLOGIST

In order to facilitate the psychologist's examination of any referred Inspector, the office will provide to the psychologist all documents and information relating to the circumstances giving rise to the concern about the Inspector's mental or emotional fitness for duty, and any information or documents from the Inspector's personnel records that may be of assistance to the psychologist in conducting the examination and preparing an evaluation.

12.6 PSYCHOLOGIST REPORT

The evaluation report submitted by the psychologist to the District Attorney's Office concerning an Inspector referred for a fitness-for-duty examination shall be part of the Inspector's personnel records and treated as confidential, under the provisions of California Penal Code 832.7 and 832.8.

12.7 INSPECTOR MUST COMPLY

- A. Any Inspector ordered to undergo a psychological fitness-for-duty examination shall comply with the terms of said order and shall cooperate fully with the psychologist with respect to any clinical interview conducted, any tests administered and any other procedures directed by the psychologist.
- B. Any failure to comply with such an order and any failure to extend such cooperation shall be deemed insubordination and be grounds for termination.

EQUIPMENT

13.0 PURPOSE

To effectively perform their duties and to be safe in that process, Inspectors require certain equipment. The District Attorney pledges to provide personnel with the best equipment possible. It is incumbent upon Inspectors to assure equipment is maintained in peak functioning condition.

13.1 POLICY

This policy outlines the mandated equipment to be issued to Inspectors and Inspectors' responsibility to maintain this equipment.

13.2 EQUIPMENT

- A. All Inspectors will be assigned and are responsible for the following safety and investigative equipment. Items should be worn or kept in close proximity at all times.
 - 1. Semi-Automatic Handgun
 - a) Holster
 - b) Magazines / Holders
 - c) Training safety equipment: glasses; ear protection
 - 2. Handcuffs and case
 - 3. O.C. Spray and case
 - 4. Flashlight
 - 5. Raid Jacket
 - 6. Ballistic Vest
 - 7. Badge
 - 8. Credentials
 - a) I.D. Wallet
 - 9. Business Cards
 - 10. Portable Tape Recorder
 - a) Telephone Recorder Adaptor
 - 11. Cellular Telephone
 - 12. Pager
 - 13. Vehicle

- B. The above list is not inclusive of all equipment necessary for effective investigations. Additional equipment - such as computers, 35 mm camera, Polaroid camera, shotgun, etc. - will be assigned on a pool or individual basis based on the Inspector's assignment and/or need.

13.3 RESPONSIBILITY

- A. Inspectors are responsible for the condition of their assigned equipment at all times. Damage due to negligence or unauthorized personal use will be grounds for disciplinary action.
- B. The Chief of Investigations will appoint a person to be responsible for storage and inventory control of all equipment.

13.4 REPLACEMENT OF LOST OR STOLEN EQUIPMENT

- A. Lost or stolen equipment should be immediately reported to the Chief Inspector in a written report. In addition, property stolen outside of the county building should be immediately reported to the appropriate law enforcement jurisdiction.
- B. **WARNING:** The County is not responsible for lost or stolen personal equipment missing from county owned facilities or vehicles.

VEHICLES

14.0 PURPOSE

The requirement for a District Attorney Investigator to be available at any time of the day or night, to be able to travel within the County or to other parts of the state for official duties during the investigation of a criminal compliant, is recognized.

14.1 POLICY

All Inspectors will be assigned a county vehicle to facilitate their ability to conduct criminal investigations within the various areas of the county or state.

14.2 USE

- A. Inspectors are allowed the take home county vehicles for official use only.
- B. Inspectors on an on-call status may use their vehicles for limited personal use (except passengers) to expedite travel to the county building or to their particular assignment when called to duty.
- C. Use of county vehicles for personal transportation when off-duty is not permitted
- D. Civilian passengers will not be transported in county vehicle for non-Law enforcement purposes.

14.3 ASSIGNMENT

- A. Inspectors will be assigned a vehicle upon their employment with the Bureau. This will be the Inspector's assigned vehicle for the life of the vehicle.
- B. Inspectors will be assigned a new vehicle upon the vehicle's replacement within the Bureau's fleet.

14.4 MAINTENANCE

- A. County vehicles will be maintained on the schedule adopted by the county service center. Inspectors are responsible for monitoring their vehicle's condition and reporting service needs to the service center. The service center will provide a pool vehicle while assigned vehicles are being repaired.
 - 1. Make an appointment with the garage prior to bringing it in for service. Don't just drop the car off.
 - 2. When getting gas, check the various systems of your assigned vehicle. Check the oil, check the tire wear, check the windshield wipers. Be aware of shocks, wheel alignment, etc. **DON'T WAIT FOR THE GARAGE TO TELL YOU THAT SOMETHING NEEDS REPAIR/REPLACEMENT.**

14.5 FUEL

- A. Inspectors are expected to maintain adequate fuel so as to perform normal job requirements as well as respond to any emergency travel arrangements.
- B. Fuel is available at the county service center.
 - 1. Fuel credit cards are available for out of county or other long distance travel.

14.6 CLEANLINESS

- A. Inspectors are responsible for the appearance of their assigned vehicle. At no time should an Inspector allow his vehicle to become cluttered with garbage, food wrappers, personal effects, etc.
- B. Vehicles needing cleaning should be scheduled by appointment with the service center. Inspectors may also clean their vehicles elsewhere, but at their own expense.

14.7 ACCIDENT REPORTING

- A. County owned vehicles assigned to the Bureau of Investigations are unmarked Law Enforcement vehicles. All roadway accidents (accident is defined as a collision between two motor vehicles on a roadway) must be reported to the appropriate law enforcement agency of jurisdiction.

- B. Any incident where a county owned, Bureau assigned vehicle is involved in a solo collision with any object or which results in damage, must be reported to the county service center using the approved county forms.
- C. Inspectors must report any accident or incident immediately to their supervisor.
 - 1. The supervisor may respond to the scene to ascertain the well being of the employee and to initiate an internal investigation of the accident.
 - a. Assure that a law enforcement investigation is completed.
 - b. Obtain initial driver information of other involved parties.
 - c. Take photographs.
 - d. Complete county collision reports

14.8 DRIVING

- A. Inspectors should at all times remember that they are law enforcement officers and as such, will drive with caution and courtesy.
- B. Obedience to the vehicle code is mandatory in all driving evolutions. Misuse of County vehicles or reckless driving may result in disciplinary action.

14.9 VEHICLE CODE ENFORCEMENT

- A. It is not within the philosophy of the Santa Cruz County District Attorney's Office for Inspectors to conduct police enforcement vehicle stops.
 - 1. Inspectors driving vehicles equipped with red light, siren, and radio may under special circumstances - observing an immediate threat to public safety or observing a wanted person - take enforcement action.
 - 2. Inspectors observing violations of vehicle code infractions are expected to notify the venue uniformed law enforcement agency to respond and initiate appropriate action.

14.10 PURSUIT POLICY

- A. It is not within the stated policy of the Santa Cruz District Attorney's Office for Inspectors to engage in vehicle pursuits.
- B. Occasionally an Inspector may find it necessary to expedite their response to a scene. In doing so the Inspector must abide by state law.

14.11 SEAT BELT POLICY

- A. **All occupants** (Inspectors are not exempt) traveling in county vehicles **will** properly **wear** seatbelts in compliance with California State Law.

FILE RETENTION

15.0 PURPOSE

Appropriate file management is vital to the efforts to effectively prosecute cases and meet statutory obligations.

15.1 POLICY

Having the necessary historical information on individual cases enhances the ability to achieve the mission of the department. File management also provides a process to discard information which is no longer relevant. Routine and ongoing review and purging of files are important functions of the administration of the department.

15.2 STORAGE REQUIREMENTS

All files shall be maintained in a secure storage area that restricts access to only authorized District Attorney employees. Any storage facility must meet the following standards:

- A. Security from unauthorized access
- B. Reasonable protection against damage by fire, water, infestation, or other natural causes.
- C. Ready accessibility to District Attorney staff within 2 hours of request for material.

15.3 PURGING AUTHORIZATION

- A. All purging of files requires the supervision of an Assistant District Attorney. All purged files shall be destroyed under the direct supervision of authorized District Attorney personnel.

15.4 PURGING STANDARDS

A. Under no circumstances shall District Attorney documents or files be discarded in a public waste receptacle or other area that is not specifically authorized by the District Attorney.

1. Documents will be discarded by approved means, such as by bonded document destruction vendors.

B. **Misdemeanor** files shall be maintained for a period of no less than **5** years from the calendar date of the file.

1. Exception: Domestic Violence cases, no matter what the Penal Code violation charged, shall be retained for a period of 10 years from the calendar year date of the file.

C. **Felony** files shall be maintained for a period of no less than **10** years from the calendar date of the file.

1. Exception: Any case involving violations of the following sections shall be maintained **permanently**; PC 187-Homicide, 209-Kidnaping
220-Assault w/intent 261-Rape 286-Sodomy
288-Lewd or lascivious acts 289-Forcible acts of sexual penetration
Gang Violence Suppression Program cases (GVSP)

D. **Juvenile Records**

1. Dependency - 300 W&I

Records should be purged one year after the child reaches 18 or one year after the case is closed, whichever occurs later in time.

2. Delinquency - 601/602 W&I

Records should be purged five years after minor reaches 18 or five years after the case is closed, whichever occurs later in time. However, the record of any serious offense should be reviewed on a case-by-case basis and should be retained if there appears to be a strong possibility of continued criminal violations.

INDUSTRIAL INJURIES

16.0 PURPOSE

To set forth guidelines as it relates to absences due to industrial injuries or illnesses.

16.1 POLICY

Good health and fitness is a condition of employment. If for some reason an employee's health and/or fitness deteriorates beyond the point that the employee is no longer able to function in their normal job description, certain actions must be taken.

16.2 ON DUTY INJURY

- A. All injuries on duty and all work incurred diseases shall be reported to a supervisor as soon as possible following the injury.
- B. If an injury or disease requires the attention of a physician, the supervisor receiving the injury report will direct the employee to a physician or medical center listed on the County's medical service list.
 - 1. In the case of needed emergency attention, the supervisor will direct that the employee be transported to the nearest medical center.
 - 2. The employee, if able, or the supervisor, shall advise the attending physician or medical center that the injury is a Workers Compensation injury.
 - 3. If, however, an employee notifies the employer in writing prior to the date of injury that they have a personal physician, the employee shall have the right to be treated by that physician from the date of injury after emergency treatment, if necessary, has occurred by another physician if the employee's personal physician was not available.

- C. The injured employee's supervisor shall complete the Employer's Report of Occupational Injury or Illness Form as soon after the injury as possible and in all cases, prior to termination of the shift.
- D. Treating Physician

It is necessary for an employee to be examined by the same physician or medical facility who made the first examination and diagnosis and treatment on the industrial injury/illness during the first 30 days subsequent to the injury/illness, unless the physician refers the employee to another medical facility or permission is received from the Worker's Compensation Administrator.

- E. Reoccurrence of Prior Industrial Injury

If an employee re-injures himself from a prior documented worker's compensation claim, worker's compensation time off will not be approved unless the new injury is verified by a physician as a continuation of the previous worker's compensation injury.

16.3 OFF DUTY INJURY

- A. Any employee who is unable to report for duty as scheduled shall notify the appropriate supervisor.
- B. When in the judgment of the Chief of Inspectors, the employee's reason for absence is inadequate or a question arises concerning the employee's ability to work, the employee may be required to furnish additional information or may be referred to a physician to properly evaluate the employee's reason for absence.
- C. During a protracted injury/illness where it does not appear that the employee will return to full duty status, a number of options are available:
 - Use of accumulated sick leave
 - Long term disability
 - Worker's compensation claim
 - Retirement
 - Resignation
 - Dismissal

16.4 LIMITED DUTY STATUS

A. Employee's Responsibility

1. To inform their supervisor of any physical limitations that they have prior to acceptance of assigned duties that they feel they are incapable of safely performing.
2. Since the intent of this policy is to keep employees working, but not subject them to situations that might aggravate their physical conditions, peace officers must exercise their good judgment when confronted by physically threatening situations. Sworn officers on temporary alternative duty must follow medical instructions.

B. Supervisor's Responsibility

Supervisors are to make the most productive use of limited duty personnel based on what duty limitations or restrictions have been imposed by the physician. If the physician's medical instructions are not clear, the supervisor shall contact the physician and have him restate his medical opinion in concise written terms.

16.5 Returning to Full Duty

- A. Prior to an employee returning to full duty after being on limited or restricted duty status, the employee must furnish the Bureau with a medical release signed by their physician that the employee is capable of returning to full duty status.

ALCOHOL AND DRUG ABUSE

17.0 PURPOSE

Substance abuse is recognized to impair an employee's ability to safely and effectively perform the functions of their job. Substance abuse increases the potential for accidents, absenteeism, substandard work performance, poor employee morale and a violation of the public service responsibilities entrusted to peace officers.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential treatment. While the District Attorney's Office has no intention of intruding into the private lives of its employees, it is firm in identifying and disciplining those who continue to be substance abusers and do not seek help through counseling or rehabilitation programs.

17.1 POLICY

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse.

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 their position.

17.2 ILLEGAL SUBSTANCES ON PREMISES

- A. No intoxicating liquor, no illegal drug or paraphernalia shall be brought into or kept on county premises.
 - 1. Exception: Items brought into facilities in the performance of a law enforcement task.
 - a. Liquor/illegal drugs shall be properly identified and stored in conformance with evidence guidelines.

17.3 CONSUMPTION

- A. Inspectors shall not consume alcoholic beverages / impairing drugs while on duty.
 - 1. Exception: In the performance of a law enforcement task and only with the specified permission of a supervisory officer.
- B. Inspectors shall not consume alcoholic beverages / impairing drugs prior to duty to the extent that evidence of such consumption is apparent when reporting for duty and/or to the extent that their ability to perform is impaired.

17.4 SUPERVISOR RESPONSIBILITY

- A. Supervisors are responsible for reasonable enforcement of this policy.
- B. Upon "Reasonable Suspicion", that belief based on objective facts from observations of members of the public, other employees, or the supervisor, Inspectors shall be prevented from engaging in further work and an appropriate investigation will be initiated.
- C. Any supervisor initiating an investigation will document it in writing.
- D. Supervisors shall notify the Chief of Inspectors when they have reasonable suspicion to believe that an employee is under the influence or may have illegal drugs in their possession or in an area not jointly or fully controlled by the office.

17.5 EMPLOYEE RESPONSIBILITY

- A. Inspectors are responsible for understanding the underlying philosophy and necessity of this policy and to adhere to this policy.
- B. Inspectors must be aware of, and notify their supervisor of, any prescription medication which may interfere with the safe and effective performance of duties.
- C. Inspectors, upon belief and observable facts, should inform their supervisor if a peer displays the objective symptoms of alcohol/drug use or abuse.
- D. An employee must submit immediately to an alcohol and/or drug test when requested by a supervisor.

17.6 INVESTIGATION

- A. Any investigation of an Inspector's use of alcohol/drugs will be conducted by an Inspector III and in accordance with Internal Affairs or Criminal Investigation guidelines.
 - 1. The Inspector III will in all cases complete an Internal Affairs Investigation
 - 2. It is recommended that any potential criminal investigation be referred to the appropriate agency of jurisdiction, with overview by the Inspector III.

17.7 CONFIDENTIALITY

- A. Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Chief Inspector.
- B. The reports or test results may be disclosed on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may occur when:
 - 1. The information is compelled by law or by judicial or administrative process;
 - 2. The information has been placed at issue in a formal dispute between the employer and the employee;
 - 3. The information is to be used in administering an employee benefit plan;
 - 4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

17.8 DISCIPLINARY ACTIONS

- A. The District Attorney's Office may take disciplinary action up to and including termination against any employee who:
 - 1. Tests positive for drug/alcohol consumption in an amount that would impair job performance.
 - 2. Refuses to submit to an alcohol/drug test when requested or otherwise interferes/adulterates with accurate testing required.

EMPLOYEE EVALUATIONS

18.0 PURPOSE

An employee evaluation report is a gauge to measure an employee's work related performance based on outlined standards, to give recognition for good work, and to provide a guide for recognized areas of improvement. Employee evaluations can influence personnel decisions relating to promotion, reassignment, demotion, and termination.

18.1 POLICY

Employee evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, sexual preference or creed. All personnel of this bureau are subject to an evaluation of their work performance which can determine completion of probation, determine eligibility for step increase in salary, consideration for promotion or transfer, or determine the need for disciplinary action. Employees will be rated by their immediate supervisor.

18.2 EVALUATION REPORT

- A. The Bureau will utilize the approved county evaluation form for the purposes of performance evaluations.
- B. The Bureau will complete an employee evaluation report on the anniversary date of the employee's appointment to their position.
 - 1. Probationary employees will be evaluated at four (4) months, then on their anniversary date for release from probation.
 - 2. Employees on a Performance Contract may be evaluated more frequently, determined by the needs of the employee and the Bureau.

18.3 SUPERVISOR RESPONSIBILITY

- A. All Inspector III's shall be sent to a P.O.S.T. approved supervisory course which includes training on the completion of performance evaluations within one year of appointment.
- B. Each Inspector III shall, at the beginning of the rating period, counsel the employee on the tasks of the position, standards of performance expected, and the evaluation rating criteria. The purpose is to develop a mutual understanding between the supervisor and the employee as to how they are to accomplish their position's standards of performance.
- C. Inspector III's shall use memoranda to document relevant incidents to assist with timely and accurate documentation of incidents that personnel become involved in.
 - 1. To document either positive or negative incidents shortly after they occur:
 - a) to acknowledge and reward exceptional performance.
 - b) to bring to the attention of an employee some performance error so as to be assured that the employee is aware of the issue and is given an opportunity to correct any deficient performance areas.
 - 2. Memoranda of individual incidents will later be transferred to the yearly evaluation to assist with the overall performance review.
- D. Inspector III's will constantly be aware of and review the normal work activities of subordinates.
- E. When the Inspector III has completed the evaluation, they shall arrange for a private discussion of the evaluation with the employee.
 - 1. Upon completion of this interview, the Inspector III and employee will sign and date the evaluation. The purpose is to develop a mutual understanding between the supervisor and the employee about the contents of the evaluation, about how the evaluation was derived, how to motivate the individual employee to work at their highest capacity to meet job standards
 - 2. If the employee does not agree with the evaluation, and the disagreement cannot be mediated with the supervisor, the employee may request an interview and further consideration of the appraisal with the Chief of Inspectors.

3. The employee has the right to attach a written rebuttal to an appraisal with which they disagree.

18.4 EVALUATION DISTRIBUTION

- A. The completed, original evaluation shall be forwarded up the Chain of Command:
 1. To the Chief Inspector for review
 2. To the District Attorney
 3. To the County Personnel Department where it will be placed in the employee's personnel file.

DOMESTIC VIOLENCE CONVICTIONS

19.0 PURPOSE

Congress recently enacted amendments to the federal Domestic Violence Gun Possession Ban, 18 U.S.C. 921(a), 922(d) and 922(g), which now prohibits persons who have been convicted of misdemeanor domestic violence offenses from possessing a firearm or ammunition. These amendments essentially extend the current federal law, which prohibits the possession of a firearm by a felon, to a person convicted of misdemeanors involving domestic violence as defined by individual state law.

Police Officers convicted of domestic violence related offenses will be prohibited from possessing firearms, thus cannot fulfill the requirements of their profession.

19.1 POLICY

This policy is to provide Inspectors with a procedure, consistent with existing law, related to the requirement of self reporting regarding domestic violence convictions.

19.2 DEFINITION

- A. The amendment defines "misdemeanor crime of domestic violence" as an offense that:

The use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

19.3 PROCEDURE

- A. Under California law, Penal Code 12021 prohibits a person from possessing a firearm for a 10 year period following a conviction for a violent misdemeanor. A peace officer in California, however, is permitted to petition the court for a waiver in those cases where the officer had been convicted of domestic violence.
 - 1. The federal statute does not provide for a waiver or any exception for peace officers and, therefore, applies to them as well. A conviction of any of the violations articulated in Penal Code 273.5 would fit the definition of a "misdemeanor crime of domestic violence" as articulated in the U.S. Code.
- B. Under the federal law amendments, convictions which have been expunged or set aside, or for which the person has been pardoned or has had civil rights restored are not subject to the prohibition on possession of firearms. However, the amendments apply to any conviction that occurred before the statute's enactment and do not provide any term limitation on the prohibition. In other words, under current federal law, the prohibition on possession of firearms lasts forever.

19.4 EMPLOYEE RESPONSIBILITY

- A. All sworn personnel are directed to complete and return to the Chief Inspector the Domestic Violence Conviction Disclosure Acknowledgment Form.
- B. All sworn personnel shall immediately notify the Chief Inspector, in writing, if at any time they believe they have become subject to the federal statute outlined above.

INSPECTOR III

20.0 PURPOSE

To define and give guidance to Inspector III's (supervisors) as it relates to supervision.

20.1 POLICY

Inspector III's are appointed by higher authority to be in charge of a unit of one or more members of the Bureau and may be assigned investigative duties. Inspector III's will organize subordinates, equipment and task in a manner that ensures achievement of organizational goals and objectives with maximum efficiency and minimum expenditure of personnel and resources.

20.2 SUPERVISORY PRINCIPALS

Inspector III's are responsible for the following basic functions:

A. Administration

1. Those activities concerned with planning, organizing, directing, recording, coordinating, budgeting, and public relations.
2. To be thoroughly familiar with the conditions which affect the work of their subordinates. Inspector III's will inform the Chief of Inspectors of such conditions in as much detail as the superior indicates is required.
3. Will inform subordinates of decisions by higher authority which affect them unless such information is confidential. They will disseminate departmental information concerning policies and procedures.
4. Responsible for conducting routine inspections of Bureau equipment and facilities and taking appropriate action to correct any deficiencies.

B. Supervision

Supervision includes the control, development and maintenance of harmonious relationships among all Bureau members and the inspection, review, and evaluation of work performed by subordinates.

1. Will issue any order necessary to implement orders from their superiors and will carry out their assigned functions within the framework created by orders from their superiors.
2. Will closely observe the work of their immediate subordinates and be prepared to evaluate it accurately for their superiors in as much detail as the superior wishes. They will make a written report to their superior of any serious misconduct, unfitness or outstanding work for a subordinate.
3. Responsible for the review of all reports of subordinates. Inspector III's will strive to maintain a high level of quality in reports and investigations generated by subordinates.
4. Responsible for completing timely performance evaluations of subordinate personnel assigned to them.

C. Training

Includes instruction in the development of efficient work habits and good attitudes; practical instruction in how, what, when, where and why tasks are to be done; and development of potential in subordinates.

1. Will ensure that their subordinates are given all necessary practical assistance and training in the discharge of their duties.

TIME OFF REQUESTS

21.0 PURPOSE

To set forth guidelines as it relates to time off requests.

Vacation	That time earned per M.O.U. as an annual amount of time from work.
Compensatory Time	That time earned in lieu of overtime to be taken, per M.O.U.
Sick Time	That time earned, per M.O.U., that can be taken due to the illness of the employee or immediate family.
Maternity Leave	That time off due to pregnancy and/or complications from pregnancy, which shall be considered an illness and shall be granted for a period of up to four (4) months.
Leave of Absence	That time off, up to one (1) year without pay, allowed with approval from the Department Head.

21.1 POLICY

It is the intent of the Bureau to facilitate time off requests to the extent economically and operationally feasible while in conformance with provisions of the requesting employee's Memorandum of Understanding and County Personnel Rules and Regulations.

- 21.2 Time off Requests by all employees (permanent, part time, temporary) will be made using the designated forms.
- 21.3 Time Off Requests will be used for any individual type of time off (vacation, sick time, compensatory time off, leave of absence, maternity leave or military time) or combination thereof.
- 21.4 Time Off Requests of eighty hours (80) or more will require the submission and approval a minimum of sixty (60) days in advance of the requested time off.

- 21.5 Time Off Requests of forty to eighty (40-80) hours will require the submission and approval a minimum of thirty (30) days in advance of the requested time off.
- 21.6 Time Off Requests of less than forty hours may be submitted for approval at any time.
- 21.7 Responsibilities
- A. The requesting employee is responsible for making the request in a timely manner and for knowing and requesting only that time which they have earned and may therefore, take legally.
1. It is incumbent upon the requesting employee to first check the master calendar to ascertain if the desired time off is available, i.e., not already scheduled by another employee.
 2. It is the employee's responsibility to notify payroll of any change or cancellation of a time off request that was previously submitted.
- B. The supervisor is responsible for evaluating staffing levels and for insuring that sufficient staffing is available on the days requested.
1. Time Off Requests will be honored and approved on the basis of first presented for approval.
 2. The supervisor will check the master schedule to determine staffing levels for the time requested.
 3. The Time Off Request Form will be signed as:
 - a) approval
 - b) acknowledgment that time off was entered on the master schedule

TRAINING

22.0 PURPOSE

To establish a procedure for facilitating the training needs of the Bureau of Investigations as set forth by the Commission on Peace Officers Standards of Training (P.O.S.T.).

22.1 POLICY

Identifying and obtaining recognizable training needs is essential for the positive development of professional expertise and of adhering to California P.O.S.T. guidelines.

22.2 The Chief Inspector is to insure that each investigator is fully qualified in all aspects of his profession, as well as qualified in the carrying and use of firearms as described in Penal Code section 832 and P.O.S.T. regulations.

- A. The Chief Inspector will appoint one Inspector II to act as Training Manager to identify, facilitate, and keep records of required training.
- B. The Chief Inspector will appoint one Inspector II to act as Range Master/Firearms Instructor (may be the same as the Training Manger) to maintain weapon qualification standards.

22.3 Inspectors shall initiate training requests by completing a Training Request Form and submitting it to their immediate supervisor and the Chief of Inspectors.

- A. Approval of training is determined by means of priority of implementation (mandatory, essential, or desired), needs of the Bureau, and staffing levels.
- B. Once the request is approved, it will be forwarded to the Training Manager for scheduling.

- 22.4 All training shall be coordinated by the Bureau designated Training Manager.
- A. The Training Manager is responsible for scheduling training, coordinating travel and housing logistics, reimbursement, and assuring that training is documented correctly.
- 22.5 The supervisor shall be responsible for ensuring appropriate payroll records are maintained while the training is occurring.
- 22.6 It shall be the employee's responsibility to complete and submit all required documents upon return to duty. These shall include, but not be limited to, expense accounts, class critiques, car rental cards, gasoline cards, etc.
- 22.7 While attending training, employees are representing the Santa Cruz County District Attorney's Office. Adherence to all departmental rules and orders shall be mandatory.

CONFIDENTIAL INFORMANTS

23.0 PURPOSE

The Santa Cruz County District Attorney's Bureau of Investigations may use confidential informants to assist in criminal investigations and prosecutions.

23.1 POLICY

To define and identify procedure for the use of confidential informants.

23.2 DEFINITION

Confidential Informant (CI): a non-sworn, civilian who is associated with criminal(s) and can gather information for the purpose of criminal prosecution.

- A. Any person wishing to volunteer their services as a confidential informant will be required to complete a Confidential Informant History Form and a Confidential Informant Consent Form.

23.3 INITIAL CONTACT PROCEDURE

- A. The initiating Inspector will prepare a file with all the personal history information on the person wishing to be a confidential informant and the history derived from law enforcement data bases; California DMV, CI&I, local contacts, etc.
- B. Before any operation is started involving the use of any informant who has a pending criminal case, the initiating Inspector must contact the Assistant District Attorney assigned to that case to advise them of the use of this defendant as an informant.

- C. If the potential informant is under arrest at the time, the initiating Inspector may have the individual waive his right to be booked, make three telephone calls or be brought before a magistrate (per P.C. 851 and 849). In this way, the Inspector can use the informant before any criminal charges are filed and the person is represented by Counsel. The Inspector may elect to have the informant released on their own recognizance and given a court date to appear.
- D. During any on-going use of an informant, the Assistant District Attorney responsible for any current or pending case against the informant, must be notified if any monies or other gratuities have been given to the informant for their assistance.
- E. If the informant is currently on state parole, the Chief of Inspectors shall ensure a letter of notification is sent on department letterhead to the parole agent in charge of the person. The following information must be included:
 - 1) The type of activity the parolee will be involved in.
 - 2) Duration of activity.
 - 3) Scope of activity.
 - 4) If travel from the local area will be required.
 - 5) Planned procedures to protect the parolee during and after the investigation.

23.4 DETERMINATION OF SUITABILITY

- A. All potential confidential informants will be interviewed by an Inspector and a Supervisor to determine the person's suitability for use as a confidential informant.
 - 1) The results of this interview will be submitted in written form to the Chief of Inspectors for review and approval.
 - 2) A copy of the interview will be maintained in the confidential informant's file, which will be kept by the Chief of Inspectors.

23.5 SUPERVISION

- A. The confidential informant will be directly supervised by the Inspector initiating their use.
 - 1) The Inspector will update their supervisor in writing every 30 days as to the informant's status and current assignment.

- B. The informant will not work unsupervised and will abide by the terms of the consent form.
 - 1) The supervising Inspector will document all violations involving the informant.
 - 2) This documentation will be forwarded to the Chief of Inspectors to be included in the confidential informant's file.
- C. Inspectors will not meet with confidential informants of the opposite gender without a second Inspector being present during all meetings.
- D. Informants will not be given any material which will tend to identify them as police officers.
 - 1) The informant will not utilize police equipment for any period of time longer than necessary to complete the immediate investigation.

23.6 CONFIDENTIALITY

- A. The release of any information regarding an informant's status is restricted and subject to laws governing confidentiality (Sections 1042 and 1044 of the California Evidence Code.)
- B. Information concerning informants will not be released without the authorization of the Chief of Inspectors.

23.7 PAYMENT FOR SERVICES

- A. Any payments made to a confidential informant for per diem expenses or services rendered will be recorded on a receipt form and in the presence of two Inspectors. The receipt form will be placed in the informant's file with the Chief of Inspectors.
- B. All investigations involving the informant will be documented on the Confidential Informant work sheet. This will include, but is not limited to, those times when payment for services is given. This form will be included in the informant's file.

23.8 TERMINATION

- A. An informant may be terminated from service at any time and without reason.
 - 1) Termination will occur automatically if the informant commits any felony.
 - 2) The arrest of the informant for a misdemeanor will be cause for an automatic review of the informant's status and a written report be submitted to the Chief of Inspectors for a decision on continued use.
 - 3) Upon termination of service, a written memo will be forwarded to the Chief of Inspectors.
 - a) It will delineate the informant's service record, reason for termination, and recommendation for future use.

SEXUAL HARASSMENT

24.0 PURPOSE

To maintain an employment environment free from harassment which has the effect, either directly or indirectly, of discriminating against individuals on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, sexual preference, or age. The occurrence of any such harassment, including sexual harassment, undermines the integrity of the employee and results in low morale, reduced productivity and loss of skilled personnel.

24.1 POLICY

Sexual harassment will not be tolerated, condoned or trivialized in the Bureau and all employees shall take steps to prevent harassment from occurring in the employment environment.

24.2 DEFINITION

- A. Unwelcome sexual advances, request for sexual favors, and/or other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 1. Verbal Harassment: epithets, derogatory comments, slurs;
 - 2. Physical Harassment: assault, impeding or blocking movement when directed at an individual;
 - 3. Visual Harassment: derogatory posters, cartoons or drawings;
 - 4. Written Harassment: derogatory notes, letters, E-Mail.
- B. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- C. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.

- D. Submission to such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

24.3 EMPLOYEE'S ROLE

- A. There is no intent by this agency to regulate or control any relationship or social interaction of employees which are freely entered into by both parties.
- B. The following are suggestions for all employees to help establish and maintain a professional and healthy working environment, while at the same time preventing sexual harassment from occurring.
 - 1. It is this office's philosophy that employees must set an example of acceptable conduct by not participating in or provoking behavior that is offensive.
 - 2. Making it absolutely clear that you are not interested in, or flattered by, uninvited sexual advances.
 - 3. Warn the individual that the particular behavior is offensive and unwelcome. Be specific in advising that person about what conduct is offensive and unwelcome. Make it clear that you will take official action if it continues. If you foresee a problem, document the incident thoroughly.
 - 4. If the harassing behavior continues, notify your immediate supervisor and document the notification. It is the employee's responsibility to bring sexual harassment behavior to the attention of a supervisor to ensure proper follow-up action.

Note: You need not follow the chain of command.

- 5. This office will take all steps to prevent any retaliation against the complaining party or witnesses supporting that individual and appropriate sanctions will be imposed on any individual subjecting any party involved in this process to retaliation.

24.4 SUPERVISOR'S ROLE

- A. Individual supervisors are responsible to report and/or handle sexual harassment incidents where the supervisor knows or should have known of the incident by nature of their position.
- B. Whether the complaining party requests formal or informal action, the supervisor must follow through, either by the formal complaint process or by verbally warning the individual responsible and documenting the admonishment.
- C. The supervisor, as well as the department, may be held civilly liable if swift corrective action is not taken. Any supervisor who fails to take corrective action can and will be disciplined by this department.
- D. It is the responsibility of all supervisors to establish and maintain a working environment which is free from discriminatory intimidation, ridicule and insult.

24.5 INVESTIGATION

- A. It is the supervisor's obligation to document all incidents, and action taken thereafter, involving allegations of sexual harassment. All such incidents must be reported to the Chief Inspector, or if the Chief Inspector is the focus of the investigation, the District Attorney. The District Attorney will determine whether an internal affairs investigation is required. An investigation may be conducted whether or not an involved party elects to pursue a complaint.
- B. If, based upon the facts and circumstances present, a decision is made to proceed, a full and complete investigation will be conducted by an individual selected by the District Attorney. The investigation will be conducted as quickly as possible and, based upon that report, a decision will be made regarding whether disciplinary action is necessary.
- C. Any and all rights which exist regarding confidentiality and/or privacy in these matters will be fully protected. The complainant's identity, however, will be disclosed if the investigation reveals the potential for formal disciplinary action or criminal prosecution.

Discipline up to and including termination may result from behavior found to constitute a violation of this directive.

24.6 FOLLOW-UP

Although it is the goal of this policy to identify and prevent sexual harassment behavior, if problems and/or concerns arise, the affected employee is urged to make use of the process set forth above. However, any employee has an absolute right to go directly to the California Department of Fair Employment and Housing or the Federal Equal Employment Opportunity Commission for assistance.

The provisions of the policy shall be utilized in conjunction with those set down in the County Personnel Rules and Regulations.

DISCIPLINARY PROCEDURES

26.0 PURPOSE

The tenure of an employee shall be based on the reasonable standards of personal conduct and job performance. Failure to meet such standards - based on overall performance or based on individual acts of performance - shall be grounds for appropriate disciplinary action. Discipline may be imposed to assist an employee in meeting the minimum performance standards or for the purpose of insuring that a specific failure to perform does not recur. Disciplinary action will occur through positive discipline (counseling, education) or negative discipline (reprimands, suspension) which shall be commensurate with the seriousness of the offense and with due consideration of the employee's prior performance record.

26.1 POLICY

This policy is to establish an effective and fair system of discipline for all Bureau peace officer personnel.

26.2 PEACE OFFICER BILL OF RIGHTS

During any investigation into misconduct which may lead to negative disciplinary actions or criminal charges, the procedural rights afforded to the employee under the Public Safety Officers Procedural Bill of Rights Act (Government Code sections 3300-3311) shall be adhered to.

26.3 DISCIPLINARY PROCEDURES

- A. Investigations into alleged employee misconduct can be initiated at any level; by citizen complaint, by another County employee, by a peer, or by a supervisor.
 - 1) Whenever an employee becomes aware of or believes that misconduct or a violation of the Rules of Conduct has occurred, they shall submit a written memorandum to their immediate supervisor.
 - 2) Whenever an employee feels that their supervisor, or any other supervisor in the department, is in violation of the Rules of Conduct, he shall submit a memorandum directly to the District Attorney of the circumstances relating to the violation. The District Attorney, or a designee, will cause an investigation to be conducted.
- B. Whenever a supervisor discovers that a violation of the Rules of Conduct by a subordinate may have or has been committed, he shall investigate the matter thoroughly and take immediate action
- C. In all disciplinary actions, other than positive or informal discipline, the supervisor shall prepare all memoranda and reports pertinent to the investigation for review by the Chief of Inspectors and to be forwarded to the District Attorney.

26.4 INFORMAL OR POSITIVE DISCIPLINE

Informal or positive forms of discipline may be considered when evaluating a second or subsequent similar violation provided that the first violation was recorded in writing at the time of the offense and the employee was afforded an opportunity to submit a written response.

A. Certification for Retraining

When a violation was caused primarily by the employee being incompetent or inadequately prepared for their responsibilities, and it is in the best interest of the department that the employee undergo additional training. The specific nature and procedure for a given retraining shall be determined by the Chief of Inspectors.

B. Counseling

When an employee is made aware of their violation verbally by their supervisor, but there are circumstances that impair the employee's ability to comply with the provisions contained herein; and action is taken by the supervisor to work with the employee in an attempt to correct the problem rather than take other disciplinary measures against the employee.

C. Admonishment

When an employee is made aware of their violation verbally by their supervisor and is informed that they are in violation of a specific section contained herein and is instructed to comply in the future.

- 1) The admonishment will be documented.

26.5 FORMAL OR NEGATIVE DISCIPLINE

Formal or negative forms of discipline shall be considered as previous offenses when considering subsequent violations. A record of all negative discipline by an employee shall be maintained in the employee's permanent personnel file.

A. Written Reprimand

A formal intra-departmental memorandum by a Supervisor III/Chief of Inspectors and approved by the District Attorney, finding a subordinate in violation of a specific section(s) of the Rules of Conduct and stating that the violator has been formally or officially reprimanded.

- 1) The disciplined employee shall be advised of the finding in writing.
- 2) The employee may demand and receive the reprimand from the District Attorney personally.

B. Suspension

The temporary removal of an employee without pay from their position and the seizing of their badge/identification card, if applicable.

- 1) The District Attorney may place an employee on "Administrative Leave" with pay, where appropriate, pending the investigation of a possible violation of the Rules of Conduct or the County's Personnel, Rules, and Regulations.
- 2) The District Attorney shall advise the Personnel Officer and the employee suspended in writing of such action and the offense committed.

C. Salary Reduction and/or Demotion

- 1) Salary Reduction is when an employee's salary is permanently reduced from one step to a lower step.
- 2) Demotion is the reduction of an employee from a position in one class to a position in another class having a lower maximum salary rate.
 - a) The District Attorney shall advise the Personnel Officer in writing of his intention, before and after, taking such action.

D. Dismissal

Dismissal is the involuntary separation of an employee from the county service subject to the County's Personnel Rules and Regulations.

- 1) The District Attorney shall advise the Personnel Director in writing of his intentions to dismiss an employee prior to taking such action unless there are reasonable circumstances which prohibit such notification.
- 2) In dismissing an employee, the District Attorney will make an order in writing, stating specifically the cause for dismissal and the effective date of the dismissal.
- 3) The District Attorney may recommend that the employee be allowed to resign in lieu of dismissal if they believe a resignation may be in the best interest of the county, the office and/or the employee.

26.6 EMERGENCY DISCIPLINE

Emergency Removal from Duty: The Chief of Inspectors or any supervisor has the authority to relieve an employee from duty until the next business day when it appears that such action is necessary and in the best interest of the office.

- 1) The employee's badge, identification card, and department issued weapon will be taken.
- 2) The employee will be placed on administrative leave with pay pending an investigation into the matter or notification by the employee's supervisor.
- 3) The employee receiving an emergency suspension, and the supervisor imposing the suspension, shall report to the Chief of Inspectors the next business day.
- 4) The person relieving the employee will notify the Chief of Inspectors of the action taken and prepare a written memorandum to the Chief of Inspectors, to be forwarded to the District Attorney.
- 5) Written verification to the employee will be done by the District Attorney as soon as practical.

26.7 DISCIPLINARY RECORDS

- A. Minor informal or positive disciplinary actions as authorized will be documented at the discretion of the supervisor.
 - 1) Any written documentation will be reviewed and signed by the employee.
- B. Formal or negative discipline will be documented, reviewed by the employee, and placed in his permanent employee file.
- C. The employee may submit a written request that a disciplinary action be purged from his permanent employee file, after the statute of limitations of 1,2, or 3 years for reprimands. Suspensions, demotions and terminations will not be purged. The District Attorney will make a final decision on the request.
- D. All items adverse to an employee's interest, which are entered into the employee's personnel file, must be signed by the employee and their supervisor. The employee must review the document(s) and be given a copy thereof. The supervisor is the witness to the employee's signature.
- E. The District Attorney's Office recognizes the right of any member to review their personnel record. Any employee wishing to review their personnel file may contact the Office of the District Attorney and make arrangements to do so. Items of concern to an employee may be discussed with the Chief of Inspectors or supervisor if requested by the employee.

26.8 NOTICE OF DISCIPLINARY CONFERENCE (SKELLY)

It is the policy of this department to adhere to the requirements of the Skelly decision and notify the employee of pending disciplinary action that involves a loss of compensation. This includes discipline in the form of termination, suspension, demotion, or punitive transfer if a pay decrease is involved. The employee is formally notified of the pending disciplinary action in the form of a standardized written memorandum. A copy of the investigation package, including copies of any tape recordings, are given to the employee.

26.9 DISCIPLINARY HEARING (SKELLY CONFERENCE)

- A. The District Attorney or his designee will serve as the Skelly Officer for any discipline.
- B. The employee has the right to prepare an oral or written response to the proposed discipline. The employee has the right to be accompanied or represented by an individual of the employee's choice as long as that person is not associated with the investigation or the disciplinary action.
- C. At the conclusion of the Skelly hearing, the hearing officer shall prepare a written summation of the hearing with a recommendation to the County Personnel Director as to the appropriate charges and discipline to be imposed.

26.10 APPEAL PROCEDURES

All appeals of disciplinary actions shall follow the conditions established by the County Personnel Rules and Regulations as well as those of the current Memorandums of Understanding.

26.11 GRIEVANCE PROCEDURES

A grievance is a method devised to resolve disputes concerning the interpretation of the Personnel Rules and Regulations, documents adopted pursuant to those regulations (such as Memorandums of Understanding), rules and regulations governing personnel practices, or working conditions.

AWARDS AND COMMENDATIONS

27.0 PURPOSE

To recognize those employees who distinguish themselves in service to the community through heroic action, meritorious service, and significant achievement.

27.1 POLICY

To establish procedures for the recognition of significant achievements and the awarding of commendations and medals.

27.2 MERITORIOUS AWARDS

A. Medal of Honor

This medal shall be awarded in exceptional cases where hazardous acts are performed by employees who risked their lives. The acts must be of such extraordinary nature that employees expose themselves to peril above and beyond the call of duty.

Each recommendation for the Medal of Honor is based upon the following criteria:

- 1) Outstanding bravery above and beyond that expected in the line of duty.
- 2) Where failure to take such action would not justify the censure.
- 3) Where the risk of life actually existed and the employee has sufficient time to evaluate it.
- 4) Where the objective is of sufficient importance to justify the risk.
- 5) Where the employee accomplishes the objective or is prevented from same by incurring a disabling injury or death.

B. Medal of Valor

This medal is to be awarded for outstanding service and conspicuous bravery in the line of duty. This award would be considered when circumstances do not fall within the provisions required for a Medal of Honor.

- 1) Where employees manifest outstanding bravery in the performance of their duty under circumstances not within the provisions for a Medal of Honor.
- 2) Where employees risked their lives with full and unquestionable knowledge of the danger involved or where a reasonable person would assume his life is in great danger.
- 3) Where the employee's objective is of sufficient importance to justify the risk.
- 4) Where the employees accomplish their objective or are prevented from same by circumstances beyond their control.

C. Meritorious Service Award

This medal may be awarded to employees who have performed efficient and valuable service to the office. Such service may be of a specific instance or it may be an outstanding performance of general duties over an extended period of time.

27.3 LETTER OF COMMENDATION

- A. Letters received from the public commending the good work of employees will be distributed through the chain of command to the District Attorney.
- B. Supervisors and fellow employees are encouraged to write letters of commendation for the exemplary conduct of subordinates and peers.
- C. Notations of these letters will be made in the employees' permanent records.
- D. The employee's immediate supervisors should share the receipt of these letters with the employees' peers at staff meetings and/or by posting photocopies on the bulletin board.

27.4 AWARD NOMINATION PROCEDURE

A. Duty to Report

It shall be the duty and privilege of employees to report to their supervisors acts worthy of commendation.

B. Nominations

- 1) Nominations for commendations or awards shall be initiated by employees whenever they have knowledge of an act or service which has been performed and is deserving of recognition.
- 2) The nomination shall be prepared in typewritten memo form forwarded by employees through the chain of command to the Chief of Inspectors and the District Attorney.
- 3) The Chief of Inspectors will notify the nominee and his immediate supervisor that a request for commendation or award has been received.
- 4) The Chief of Inspectors will maintain a file on the nominations and accompanying documentation.

C. The District Attorney will review the nominations and make the final decisions. The District Attorney shall inform nominees by letter as to the nature and final disposition of each nomination. Notations of the award shall be placed in the employee's personnel file.

DOMESTIC VIOLENCE PROTOCOL

25.0 PHILOSOPHY

Domestic violence is a widespread crime that causes injury and death, endangers individuals and families, threatens society, and significantly increases health care costs. The pattern of domestic violence is a cyclical one in which the scenario repeats itself, often in an escalating fashion. Children raised in homes where domestic violence occurs are victims as well and often become abusers themselves or victims later in life. Domestic violence can occur anywhere and anytime. It is a complex dynamic that crosses cultural, racial/ethnic, economic, and political boundaries and may involve related dependencies such as alcohol and other drug abuse.

The Santa Cruz County District Attorney's Office is committed to the vigorous and successful prosecution of domestic violence crimes. Domestic violence is a public crime, and it is the District Attorney's responsibility to address these cases appropriately. Prosecution of domestic violence crimes is critical to ensuring the safety of the victim and the integrity of the family members. Arrest alone is not sufficient. Without intervention by law enforcement, the District Attorney, and the courts, the abuser maintains his or her abusive control of the victim. Absent prosecution and sentencing, the abuser believes that the criminal justice system can also be manipulated and coerced, thus compounding the victim's predicament.

In an effort to break the vicious cycle of domestic violence and to empower and protect its victims, the Santa Cruz County District Attorney's Office commits substantial resources to the prosecution of these crimes. Specially trained prosecutors, investigators, and advocates are devoted to all classes of domestic violence crimes. In these cases, the District Attorney's Office will strive for vertical prosecution, whereby the same attorney is assigned to the case from its inception to final disposition, in order to better serve the victim, increase the likelihood of conviction, and ensure appropriate and consistent sentences for offenders.

To coordinate countywide efforts to address crimes of domestic violence, the Santa Cruz County District Attorney's Office will maintain:

1. Liaison with various community-based organizations that provide services to victims of crimes of domestic violence;
2. Membership in the Domestic Violence Commission;
3. Participation in Domestic Violence Awareness Month.

The Santa Cruz County District Attorney's Office is dedicated to providing continuing education on domestic violence for its staff and for the public. Typically the pattern of domestic violence sees the abuser, even in the most violent and destructive episodes, go through a period of remorse, seeking reconciliation and forgiveness. This overture is often either disingenuous and merely a tactic to maintain control of the victim, or if sincere, generally short lived. Without intervention, the violence usually escalates in frequency and intensity. Fear of further violence, economic dependence, promises of change from the abuser, and fear that the family unit may separate are factors that often contribute to a victim's reluctance to cooperate with criminal proceedings.

Recognizing this complicated and stressful dynamic and the undue influence it has on the victim, the Santa Cruz County District Attorney's Office takes the position that the decision to prosecute a case is the sole responsibility of the District Attorney. As a result, the decision whether a case will be filed or dismissed is not the victim's to make. Removing the victim from any responsibility for those decisions should alleviate some of the decision-making burden for the victim and reduce the likelihood the defendant will intimidate or pressure the victim. The District Attorney will explain to the victim, and where possible to the defendant, that the District Attorney is responsible for the filing of charges and the prosecution of the case.

Requests that charges be dropped will only be considered as part of the overall evaluation of the case. If a victim refuses to testify, the District Attorney will seek compliance in accordance with Civil Code of Procedure section 1219, which requires that the victim be referred to counseling. At all times prosecutors will recognize the tremendous pressures, conflicts, and emotions under which the victims labor. These special dynamics and concerns, even fears, impact victims in different ways, which can include a reluctance or even unwillingness to participate in the prosecution of the case. The prosecutor's understanding and sensitivity in dealing with the emotional complexities of these cases, in conjunction with the efforts of the victim advocates and other support groups, should promote the victim's understanding of the criminal justice process and the importance of his or her participation in it.

In the prosecution of crimes of domestic violence, the Santa Cruz County District Attorney's Office believes expert evidence on the impact of domestic violence is often critical to a full understanding of the dynamics involved and the behavior of both the abused and the abuser. The District Attorney will seek to use this evidence at preliminary hearing trials, probation violation hearings, and sentencing hearings where appropriate. Evidence of prior abuse will also be presented whenever possible.

Obtaining appropriate protective/restraining orders will be a high priority. Provable violations of the terms of protective/restraining orders will be prosecuted even where no other crime has been committed. Studies have found a correlation between the abuser's disregard for judicial authority through violation of a restraining order and the potential for a lethal attack on the victim. However, protective/restraining orders may not protect from future violence, but may actually lead to an escalation of the defendant's violence.

25.1 FILING STANDARDS

In all filing decisions , the district attorney shall file charges which

- A. Reflect the crime(s) the prosecutor is convinced the suspect committed
- B. Are appropriate for the facts;
- C. Fit the elements of the crime(s); and
- D. Can be proven at trial beyond a reasonable doubt.

Where the case does not initially meet the filing criteria, the District Attorney should seek additional investigation if there is a reasonable prospect of obtaining further evidence for filing. Reluctance of the victim to cooperate with prosecution is not a controlling consideration in the decision to file a case. The decision to file and prosecute a criminal case is the responsibility of the prosecuting agency, not the victim. However, the victim's refusal to provide information essential to the proof of the crime may leave the case unprovable, at least without additional evidence or corroboration.

25.2 VICTIM ADVOCATES

- A. It is the policy of the Office that the Prosecutor/Investigator shall involve Victim / Witness Advocates in all domestic violence prosecutions. Victim/Witness Advocate shall contact victims of domestic violence as soon as possible to provide services set forth in the Penal Code and to ensure the victim's concerns are taken into consideration during case evaluation, preliminary hearing, trial, sentencing, and post-sentencing periods. Advocates are trained to assist crime victims in crisis and are aware of available resources, including shelter and legal assistance in the community. Advocates also assist in the filing of claims for financial reimbursement for losses suffered as a result of the batterer's criminal actions.

- B. Victim/Witness Advocates remain available to the victim even when they become uncooperative with the prosecution of the case. Under guidelines of the Office of Criminal Justice Planning, Victim/Witness Advocates shall provide mandated service to crime victims separate from the prosecution of the case.
- C. Community-based organizations may also provide support or advocate for a victim. The Santa Cruz County District Attorney's Office is committed to a collaborative effort in support of victims and will respectfully assist these advocates by providing them with relevant information related to the prosecution.
- D. The Victim/Witness Advocate shall bring exculpatory evidence to the attention of the Prosecutor/Inspector.

25.3 DISTRICT ATTORNEY INSPECTORS

- A. Inspectors are dedicated to providing the highest level of assistance and their investigative resources to accomplish the full and professional investigation of domestic cases referred to them.
- B. Inspectors will assist in the coordination of all Santa Cruz County law enforcement resources to ensure that knowledge, investigation techniques, and reporting are utilized for successful prosecution and without duplication of efforts.
- C. Inspectors will assist the Santa Cruz County Probation Department in its ongoing effort to monitor the batterer's compliance with the conditions of their probation.

25.4 INVESTIGATION STEPS

Review the case to determine whether the following have been accomplished:

- A. All testimonial evidence is obtained and documented:
 - 1. Spontaneous statements and excited utterances at the scene.
 - 2. Statements from all witnesses: victim, suspect, family members (especially children), neighbors, coworkers. Statements should reflect current incident and past history.
 - 3. Tape recording of the formal interview with the victim completed at a time after the initial incident.
 - 4. Interview with the 911 caller, if other than the victim.
 - 5. If possible, obtain a tape recorded interview with the suspect.

- B. All physical evidence collected:
 - 1. Weapons
 - 2. Clothing
 - 3. Damaged property
 - 4. Tampered phone lines
 - 5. 911 tape
 - 6. Medical examination
 - 7. Other relevant evidence such as pertinent correspondence or voice mail.

- C. All documentation gathered:
 - 1. Photos of injuries, both contemporaneous with the incident and several days later to show the progression of the injuries.
 - 2. Medical records including Consent for Release of Medical Records from the victim for present and past medical care related to current and previous violent offenses.
 - 3. Photos of the crime scene.
 - 4. Previous reports of domestic violence and other violent conduct involving the suspect.
 - 5. Current and previous protective/restraining orders and supporting documentation.
 - 6. Previous convictions for related crimes.
 - 7. Written reporting forms by health care providers if reported pursuant to Penal Code section 11160 et seq.
 - 8. Law enforcement written records of any requests for service and dispatch ordered in relation to the victim.
 - 9. Other relevant evidence.

- D. Investigate any colorable claim of self-defense or mutual combat:
 - 1. All parties are to be interviewed separately.
 - 2. Review the criminal history of all parties for evidence of prior assaults, claims of self-defense, and dispositions of previous incidents.
 - 3. Review the parties' history for evidence of domestic violence.

- E. Coordinate with the Victim/Witness Advocate.

25.5 STANDARDS OF CONDUCT

In all cases, Inspectors shall conduct themselves in accordance with the following standard

- A. Refer the Victim/Witness Advocate to the victim to provide information and support during the prosecution of the case.

- B. Always advise the victim of the right to have a Victim/Witness Advocate or support person present during the interview.
- C. Interview the victim with respect, compassion, and understanding.
- D. Convey the message that the defendant's violence is criminal, the violence is the responsibility of the defendant alone, and the victim has a right to live without fear and violence.
- E. Inform the victim that it is the duty of the District Attorney to proceed with the prosecution and that a dismissal is not within the power of the victim.
- F. Fully comply with Code of Civil Procedure section 1219 in the event a victim refuses to testify or answer a subpoena.
 - 1. Note: While a victim of domestic violence can potentially be incarcerated for refusing to testify under Code of Civil Procedure section 1219 after once refusing, the victim of a sexual assault can never be confined for refusing to testify concerning that sexual assault. Be cautious where the case involving a domestic violence victim also involves evidence of sexual assault(s), even though not charged.

INVESTIGATIONS

28.0 PURPOSE

To establish a uniform system of investigating and reporting various aspects associated with cases assigned to the Bureau of Investigation.

28.1 INITIATION OF INVESTIGATIONS

- A. Investigations conducted by this Bureau will be initiated by the District Attorney, an Assistant District Attorney, the Chief of Inspectors, or a Supervising Inspector once it is brought to their attention.
 - 1. Inspectors may obtain preliminary information needed to determine if an investigation is warranted, but follow-up investigation must be approved prior to commencement.

- B. Investigative Requests must be submitted to the Bureau by Assistant District Attorneys and must be assigned to an Inspector for follow-up by the Chief of Inspectors or an Inspector III.
 - 1. Investigative Requests will be submitted to the Bureau clerical staff for entry into the case management system and to ascertain if there is presently an open investigation file or if there is a closed file on the same subject.
 - 2. The Chief of Inspectors / Inspector III will determine that sufficient information is contained in the investigative request and supporting documents to warrant a follow-up investigation.
 - 3. Upon approval and assignment, clerical staff will prepare an investigative file and include a closing/status report and Inspector's note page. The file will then be submitted to the assigned Inspector for investigation.

28.2 INVESTIGATION FILES

- A. Inspectors are responsible for the maintenance, retention, and security of investigation files from the time they are received until they are submitted to their supervisor for closure.
 - 1. An investigation will be closed upon its termination in court.
- B. Inspectors are expected to update their supervisor as to the status of open cases on a regular basis, the minimum being at least once every 30 days.
- C. When two or more Inspectors are assigned to a case, one will be assigned as the case manager and will be responsible for compliance with this section.

28.3 REPORTS

- A. Reports will be generated in the approved Bureau of Investigation format.
 - 1. Report format will include:
 - a. Defendant Name and Date of Birth
 - b. Case Number (Bureau of Investigation)
 - c. Date of submittal
 - d. Charge
 - e. Prosecuting Attorney Name
 - f. Reference Agency
 - g. Persons Involved
 - 1) victim, witness, suspect, contacted
 - 2) name, address, telephone (work & home), d.o.b., place of employ
 - h. Narrative
 - i. Recommendation
- B. Reports must be typed or dictated (submitted to clerical staff for transcription).
- C. Inspectors should obtain complete suspect/victim/witness information such as addresses, dates of birth, telephone numbers, and other identifiers whenever possible.
- D. Reports should be written clearly and concisely and should not include personal opinion or other subjective information.

- E. Supporting information, such as DMV teletypes, CII's, notes, search warrant affidavits, non-evidentiary photographs, etc. should be maintained in the investigative case files.
- F. Reports must be forwarded to a supervisor for review and approval prior to being sent to the Assistant District Attorney responsible for the case.
- G. Investigative Memorandums

Investigative follow-up of a brief nature may be submitted in memo form.

28.4 EVIDENCE

- A. All evidence seized/obtained/collected will be handled according to established law enforcement standards. Inspectors will at all times be conscious of the importance of the chain of custody and public perceptions of professional police work.
- B. All evidence will be labeled and secured in locked storage. Acceptable storage areas are the evidence storage locker in the main office, locked file cabinets in the Inspector's cubicle, or allied agency evidence storage.
 - 1. Blood or perishable evidence should be taken without delay to the Freedom DOJ laboratory.
 - 2. Inspectors will not store evidence in their vehicles except to transport it to its proper location, nor will they store evidence in unlocked cubicles or desks.
- C. Computer Evidence
 - 1. Whenever a computer is seized as evidence and must have a forensic examination (expert retrieval of hard drive contents), it can be done at a number of locations, i.e., Santa Cruz Sheriff's Investigations, San Jose PD computer crime section, FBI, DOJ, or HIDTA.

28.5 SUBPOENAS

- A. Inspectors are frequently called upon to serve court subpoenas on witnesses. Like investigative requests, personal service subpoenas will be assigned by the Chief of Inspectors or an Inspector III.
 - 1. Be aware that subpoenas served outside a 150 mile radius from Santa Cruz County are considered "foreign service" and the witness must be provided with a court order, transportation, and per diem.
 - a. The Witness Coordination will make those arrangements, but may ask for assistance from the Bureau.
- B. Low risk subpoenas can be served by Investigative Aides on a case by case basis. The Chief of Inspectors of Inspector III will conduct a background investigation to determine the threat level for any subpoena service.

28.6 REQUEST FOR RECORDS

Requests for records should be on office approved forms.

28.7 SEARCH WARRANTS

There is perhaps no area of law enforcement where the Bureau of Investigations is of more use to allied agencies than in the preparation and execution of search warrants. Santa Cruz County agencies routinely transfer detectives in and out of their investigative bureaus. This frequently means that their detectives are recently transferred patrol officers with little or no expertise in the preparation of search warrants. As a result, Inspectors are frequently called upon to assist both in the drafting and execution of search warrants.

- A. Application
 - 1. Inspectors should familiarize themselves with the CDAA manual for search warrant preparation prior to writing a search warrant.
 - 2. Search warrants will be written and submitted on approved Santa Cruz County forms.
 - 3. Search warrants must be approved by an Assistant District Attorney prior to submission to a magistrate.

4. Inspectors should be familiar with sealing orders and Santa Cruz Court procedures.

B. Preparation for Service

Each circumstance will dictate the method by which a search warrant is served.

1. The case Inspector will make every effort to conduct a background investigation into the person(s) or place(s) to be searched to determine their propensity for violence, etc.
2. A briefing will be held prior to the service of search warrants on anything but third party records searches.
3. When possible, uniformed officers from the venue agency should participate in the search warrant service.
 - a. Search warrants of a high risk nature should be referred to SCCNET, the Santa Cruz Sheriff's Office SWAT team, DOJ, or other agencies with tactical training.
4. Inspectors participating in tactical operations are required to wear identifying raid jackets, ballistic vests, etc.

C. Search:

1. Upon executing the search warrant, in applicable circumstances, the Inspector should at all times comply with the requirements of 1531 PC, Knock/Notice.
2. The person(s) in control or in possession of the place to be searched or property to be seized should be identified and searched.
3. The Inspector shall provide a copy of the search warrant to the responsible person.
 - a. At no time should the actual affidavit be shown.
4. One officer (usually the warrant author) will be placed in command of the scene and will direct the activities of the other officers.
 - a. One officer should be designated as the finder.
 - b. One officer should be designated as the recorder.
5. All evidence should be photographed in place prior to seizure.

6. An inventory of all property seized must be completed.
 - a. A copy of the inventory is to be provided to the individual from whom the property was taken or left on the premises.
 - b. A copy of the inventory should be retained by the officer for inclusion in the case file and return to the court.

D. New Warrant

If during the execution of the search warrant, probable cause is developed to believe that items of evidence not named in the original search warrant are at a place being searched:

1. Any item of contraband not covered by the original warrant while searching in places authorized by the warrant, may be seized as evidence.
 - a. It is not permissible to expand the scope of the search warrant without an amended warrant.
2. Probable cause leading to any item of evidence not named in the original search warrant requires a new and separated search warrant.

E. Return

1. Returns must be submitted back to the court within ten days of issuance.
 - a. When possible, the return should be submitted to the same magistrate who issued the original warrant.
 - b. If the items to be seized are not immediately available, an amended return can be submitted after the 10 day deadline when they are received.
 - c. In Santa Cruz County, warrants need not be filed prior to service, however, as soon as practical and no later than 10 days after issuance, the warrant should be filed with the Superior Court Clerk.

28.8 Confidentiality

- A. All reports, records, tapes, video tapes, computer discs, photographs, evidence, memoranda, letters, correspondence, and any conversations of an office or case related nature are considered confidential and are not to be released to the public without the written consent of the District Attorney or his designee.
- B. Any report containing victim or witness vital information must be redacted prior to release to protect confidentiality.

28.9 Background Investigations

The Bureau is responsible for conducting background investigations into all employees hired by the District Attorney's Office. Inspectors assigned to conduct background investigations will treat all information obtained during the course of their investigation as absolutely confidential whether or not the employee is eventually hired. Information learned of a criminal nature will be immediately reported to the Chief of Inspectors.

28.10 Child Abduction/Concealment

- A. The District Attorney's Office is mandated under the Family Code to handle cases involving violation and/or non-compliance with custody and visitation orders.

The District Attorney's Office is mandated to investigate parental child abduction cases (after the local police have taken an initial report).

- B. The District Attorney has an established Parental Child Abduction Unit to handle these matters. Inquires about, or requests to file these cases, as well as requests for assistance with the enforcement of custody and/or visitation orders, should be directed to this unit whenever feasible.
- C. Stranger abductions are kidnappings and should not be referred to the Unit.

USE OF COMPUTING AND INFORMATION RESOURCES

29.0 PURPOSE

The purpose of Santa Cruz County's technology-based systems is to share information and computing resources, and improve the way service is provided to the public. As modern technology provides connectivity, the actions of one person can impact the integrity and security of a telecommunications network used by many. Employees are responsible for assuring that the use of technical resources is consistent with the business and service purposes of the department.

29.1 POLICY

Any employee given the privilege of using Santa Cruz County's computing and information resources is expected to act in a responsible manner by complying with all policies, relevant laws, and contractual agreements related to computers, networks, software, and computer information.

29.2 COMPUTER INFORMATION

- A. All computer information created utilizing County computing resources is the property of the County.
 - 1. Subject to applicable legal privileges and confidentiality requirements, all computer information entered on County computers is not private and is subject to disclosure upon the demand of authorized County officers at any time.
 - 2. The physical location of the computer does not alter this policy.
 - 3. Changing computer information without being the data owner or having proper authority to change computer information is disallowed.

- B. As a condition of initial and/or continuing usage of the County's e-mail/Internet facilities and resources, all employees are deemed to have consented to County review and/or disclosure of e-mail/Internet records.

1. E-mail/Internet records are to be treated like shared paper files, with the expectation that anything in them is available for review by authorized County representatives.
2. Employees have no right or expectation of privacy in e-mail/Internet communications. E-mail/Internet records may be subject to disclosure to law enforcement and/or government officials, or to other third parties through Public Records Act request, formal discovery process, specific applicable statutes, or other process without prior notification to or permission from the employee sending or receiving such records.
3. Consequently, employees shall ensure that the business information contained in e-mail/Internet records is accurate, appropriate and lawful.

29.3. COMPUTER VIRUSES

All computers must have anti-virus software installed. Anti-virus software must be active and checking all entry points that data is introduced, including by not limited to removable disk, CD, tape, and networks.

29.4 HARDWARE

All hardware required for networks must be configured to ensure compatibility with the existing wide area network infrastructure and must adhere to all networking standards for connectivity, security, and support.

29.5 LOGIN AND LOGOFF

Any computer logged into an application should be properly exited when the computer workstation is left unattended. Particular care must be taken in areas where there is public access.

29.6 PASSWORDS

- A. Passwords are a unique means to protect equipment and data. Each department is responsible for training employees on proper password usage.

- B. Passwords should be changed on a regular basis and not be shared with others unless the nature of the work environment calls for common passwords.
 - 1. Employees should not use easily decoded passwords such as birth dates, names of spouses or family members, or other words that are easily identified with the employee.

29.7 SOFTWARE

- A. All software introduced to the computer or network must be installed and used in accordance with the copyright provisions contained in the materials provided by the software owner.
 - 1. Software downloaded from the Internet may be subject to copyright provisions.
 - 2. It is the employee's responsibility to be aware of how copyright provisions apply to the software - regardless of its origin.
- B. All employees must familiarize themselves with and comply with software copyrights and software usage requirements.
- C. All software must be scanned for viruses before introducing it to any network or on any network in an agency that is integrally connected to the County.

29.8 USE OF WORKSTATIONS AND NETWORKS

- A. Acceptable Use
 - 1. Workstations and networks are intended to be used to conduct County business. Employees are encouraged to use technical resources as an efficient and effective business tool.
 - 2. Networks must be used in a manner that does not jeopardize security, confidentiality or potentially subject the County to litigation as a result of breaking any local, state or federal law relative to privacy, public record or copyright.
- B. Unacceptable Use
 - 1. Workstations and networks may not be used for transmitting, retrieving or storing of any communications of a discriminatory or harassing nature or materials that may be perceived as obscene.

- a. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual preference shall be transmitted.
 - b. No abusive, profane, or offensive language or pictures will be transmitted through the network unless required by business necessity (e.g. case evidence) and authorized in writing.
2. Confidential or sensitive information will not be transmitted without additional approved security measures or specific department authorization
3. Employees may not use networks for personal gain or profit, or for personal reasons that would result in depleting County resources, impeding the organization's ability to conduct business, or cause any interruption or delay in service to the public.
4. Electronic media may not be used for any other purpose that is illegal, against County policy or contrary to the County's best interest.

29.9 NETWORK COMMUNICATION

- A. Each employee is responsible for the content of all text, audio or images that they may place or send over the network system.
- B. No electronic communications may be sent which hides the identity of the sender or misrepresents the sender as someone else, unless authorized in writing by the Chief of Inspectors.
- C. All communications sent by employees must comply with all County policies and may not disclose any confidential or proprietary information.

USE OF CLETS, DMV, CII RECORDS

30.0 PURPOSE

To abide by state law:

Penal Code section 502 prescribes the penalties relating to computer crimes

Penal Code sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released.

Penal Code sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information.

Penal Code sections 1142 and 13303 state: Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Government Code section 6200 prescribes felony penalties for misuse of public records and CLETS information.

California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of Department of Motor Vehicle information.

30.1 POLICY

Access to confidential criminal record information, confidential Department of Justice and National Crime Information Center data, and/or Department of Motor Vehicle information is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law.

30.2 PROCEDURE

- A. The Administrative Services Officer will designate that only certain District Attorney employees (including all Inspectors) will be authorized to operate the CLETS (California Law Enforcement Telecommunications System) terminals within the District Attorney's Office.
- B. Inspectors will receive certified training in the access and use of CLETS by the unit's CLETS manager and will be issued a CLETS personal password code.
 1. Inspectors will use no one else's password code but their own.
- C. Any employee who is found to be responsible for misuse of confidential records or CLETS is subject to disciplinary action.

PUBLIC RELEASE OF INVESTIGATIVE REPORTS

31.0 PURPOSE

Requests by non-victim third parties for law enforcement investigation reports contained in the District Attorney's files will be honored under the following circumstances as set forth in Government Code section 6254 and the case of South Coast Newspapers, Inc. v. Oceanside (1984 - 160 Cal. App. 3d 261)

31.2 PROCEDURE

- A. Requests for law enforcement reports will be referred to the law enforcement agency which prepared the report.
- B. Requests for investigative reports by District Attorney Inspectors shall be reviewed by an Assistant District Attorney and not released without the Assistant District Attorney's authorization.
- C. No report shall be released which would do any of the following:
 - 1. Interfere with law enforcement proceedings;
 - 2. Deprive a person of a fair trial;
 - 3. Constitute an unwarranted invasion of privacy;
 - 4. Disclose the identity of a confidential source;
 - 5. Disclose confidential information provided only by a confidential source - particular care shall be exercised when the requests involve information contained in child support or welfare fraud cases which have additional statutorily imposed confidentiality requirements;
 - 6. Disclose secret investigative techniques and procedures; or
 - 7. Endanger the safety of law enforcement personnel.
- D. In all other cases, except in unusual circumstances, legal process shall be obtained and served prior to permitting discovery.
 - 1. When a request for documents is desired by attorneys in civil action and discovery is provided, identical discovery shall be provided to all other sides in the dispute.

CHECK RESTITUTION AND RECOVERY PROGRAM

32.0 PURPOSE

To outline the aim of the Check Restitution and Recovery Program and the steps of investigation to be taken by the Bureau of Investigation.

In California alone, millions of dollars are lost every day to Non Sufficient Funds (NSF) checks passed through accounts twice by banks and returned unpaid to victims. The irresponsible conduct of bad check writers is akin to theft and drains the entire community resources through costs passed on to the consumers.

32.1 APPLICABLE CODES

A. Penal Code

1. 476A Checks; insufficient funds; intent to defraud
2. 1001.60-1001.67 Bad Check Diversion

B. Government Code

1. 7480(b)
2. 7470(d)
3. 31 C.F.R. section 103

32.2 The Check Restitution Recovery Program is designed to:

- A. Provide a central clearinghouse for Non-Sufficient Funds or Closed Account checks which efficiently meets the needs of the community.

- B. Reduce the number of Non-Sufficient Funds/Closed Account checks received by educating businessmen and the public in check acceptance policies and procedures.
- C. Provide Non-Sufficient Funds check writers the opportunity to pay restitution in lieu of possible criminal prosecution for penal code section 476A

32.3 PROCESS

- A. Victim.
 - 1. The check acceptor
 - a. Looks at a pictured Identification
 - b. Confirms and/or writes Drivers License number, address, telephone
 - c. Places initial on check
 - 2. Check is returned twice for "NSF" or once for "Closed"
 - 3. Victim makes attempts to contact check writer, but is unsuccessful.
 - 4. Victim submits checks to District Attorney by:
 - a. Completing a Check Recovery Form
 - b. Submitting original check
- B. Check Recovery Unit
 - 1. Complaints received are evaluated for program eligibility.
 - 2. Via United States Postal Service, sends out Demand Notices to Defendant
 - a. Determines best address
 - 3. Attempt at personal contact
 - a. Receive restitution payment in full
 - b. Arrange for a signed Re-Payment Plan; time payments.
 - 4. Via United States Postal Service, sends out a Failure to Comply Notice.
 - 5. Compiles documentation:
 - a. Certified Drivers License
 - b. Bank records
 - c. Relevant Law Enforcement records

6. Reviews case to determine possible criminal prosecution or return to victim for civil remedy.
7. Refer eligible cases to the Bureau of Investigations within 90 days of having received complaint.

C. Bureau of Investigations

1. Examine documentation submitted by Check Recovery Unit to ascertain if elements of a criminal offense.
2. Examine the relevant bank records
 - a. Did the account have sufficient funds at the time the check was written or presented for payment?
 - b. Is there a direct or circumstantial case to illustrate an "intent" to defraud (series of checks, no deposits, balances, etc.)
3. Contact bank's Custodian of Records for statement
4. Identify, locate, and interview complainants, witnesses, suspects, and others involved.
 - a. Gather facts relating to the circumstances surrounding the passing of the NSF checks
5. Analyze evidence, evaluate circumstances, and make a case disposition recommendation
 - a. Return case to Check Recovery Unit with written explanation.
 - b. Prepare a Declaration in Support of Warrant of Arrest

DISCOVERY

33.0 PURPOSE

To comply with federal and state constitutional due process requirements so as not to impede timely discovery to the defense.

33.1 APPLICATION

A. At the time of arraignment, arrest reports dealing with the case must be delivered or made available to the defense, unless these materials are privileged. If privileged materials are not so disclosed, this fact shall be communicated to the defense. (Penal Code sections 859, 1430)

B. The prosecution has the duty, even in the absence of a request, to disclose all substantial material evidence, including that which may be favorable to an accused, whether such relates directly to the question of guilt, to matters relevant to punishment or the credibility of a material witness.

1. In felony cases all investigative reports and other material discoverable by law will be disclosed.
2. In misdemeanor cases, the entire file may be disclosed without prior authorization except documents bearing the notation "not discoverable," and interoffice memoranda or notes of an attorney.

33.3 INSPECTORS

A. Inspectors are generally responsible for compiling, notating, and releasing all discovery material.

- B. When an inspector provides discovery to the defense, that fact shall be noted on the discovery log.
 - 1. The notation shall include the date the discovery was provided, to whom and by whom.
- C. The discovery log will be signed by whomever receives the discovery material.

33.4 POLICE PERSONNEL RECORDS

- A. The California Supreme Court in Pitchess vs. Superior Court (1974) created the right of the defendant to discover and secure information from police personnel records in certain types of cases.
- B. Penal Code section 832.5 and Evidence Code section 1043, 1044, and 1045, creates legislative protections for the law enforcement agencies in the area of defense discovery of police personnel records.
- C. Whenever such a motion is made or served upon this office, the prosecuting attorney shall notify County Counsel or the City Attorney, depending upon jurisdiction, to represent the agency and officer in the litigation of the discovery motion. The notice should be made in accordance with local court rules.

SUBPOENAS DUCES TECUM

34.0 PURPOSE

Subpoenas are the method used to notify a person(s) that their appearance is required in court. The ability of a District Attorney Inspector to issue subpoenas is unique in law enforcement.

34.1 LEGAL AUTHORITY

- A. 1326 PC Authorizes a DA Inspector to actually issue a subpoena
- B. 1328a-c PC Describes procedures for telegraphic or teletype subpoenas which also apply to fax copies.
- C. 1328d PC Describes procedures for mailed or messengered subpoenas.
- D. 1330 PC Waives the need for a judge's signature for an SDT served on a custodian of records who is located in excess of 150 miles, if the custodian's personal appearance is not required.
- E. 1560 Evid. Code Gives the custodian of records 5 days to comply with an SDT served in a criminal case; describes the procedure for delivery of a sealed envelope containing the records.
- F. 1561 Evid. Code States the requirements for an affidavit by the custodian of records which must accompany the records.
- G. 1562 Evid. Code Provides for the admissibility of records submitted under these procedures.
- H. 1564 Evid. Code Describes language that must be found in a subpoena duces tecum if the personal attendance of the custodian of records is required.
- I. 2171 Evid. Code Describes the foundation for the admissibility of business records as an exception to the hearsay rule.

CERTIFICATES OF REHABILITATION

35.0 PURPOSE

Per California Penal Code section 4852.12 the District Attorney's Office is responsible for conducting background investigations in cases of petitions for Certificate of Rehabilitation.

35.1 POLICY

Upon receipt of an Investigative Request from an Assistant District Attorney, an Inspector will be assigned to conduct the background investigation related to a Certificate of Rehabilitation.

35.2 APPLICATION

A. The assigned Inspector shall:

1. Schedule an interview with the petitioner and have the petitioner complete the District Attorney's Office questionnaire.
2. Obtain a synopsis of the circumstances surrounding each felony conviction.
3. Obtain a synopsis of any law enforcement activity involving the petitioner during the period of rehabilitation.
4. Obtain a copy of the petitioner's drivers license photo or other official identification.
5. Direct the petitioner to obtain at least three letters of recommendation addressing his compliance with the rehabilitation criteria.
6. Obtain CJIS, CII, FBI, and DMV printouts regarding the petitioner.

B. The assigned Inspector shall review the petitioner's application, then make all contacts necessary to verify the statements made by the petitioner and his references.

1. All California criminal convictions must be listed on the petition.
2. The petitioner must have noticed the District Attorney's Offices in other counties in which felony convictions occurred.
3. The petitioner must reside within Santa Cruz County.

4. The petitioner must have resided in California for the three year period immediately preceding the petition.
 5. Petitioners who were convicted of felonies but not sent to prison must have obtained a 1203.4 dismissal prior to filling their petition.
 6. The period of rehabilitation must have been completed prior to filing their petition.
- C. If it is determined that the petitioner has failed to meet the obligations of his rehabilitation petition, the Inspector should notify the Chief of Inspectors and the assigned Assistant District Attorney.
- D. The assigned Inspector will record his background investigation with a complete report of his findings including all letters, teletypes, photographs, etc. The report will be submitted to the Chief of Inspectors for review.

TAPING OF JAIL CONTACTS

POLICY: The California Supreme Court has ruled that the surreptitious monitoring and tape recording of jail visits between inmates and unprivileged visitors (e.g. other than attorneys, clergy, etc) does not violate California law and is not prohibited.

PROCEDURE:

Attorneys may request the monitoring and taping of defendant jail visits relating as follows:

Category I: Violent felonies and domestic violence cases (felony or misdemeanor).

Category II: All other crimes (with Supervisor approval)

Attorneys will submit request for jail taping to Inspectors Bureau via an Investigative Request form. The request must include the inmate's name and starting and ending dates of the recording. If no time period is specified, visits will be taped no longer than four weeks.

The Inspector assigned will be responsible for coordinating the taping of visits by jail staff. The Inspector will prepare the "Request to Record Inmate Visit" form for each inmate involved.

The Inspector will calculate the number of visits the inmate may receive during the time period designated. Inmates must wait 72 hours from booking for their first visit and they are allowed two visits per calendar week.

The Inspector will prepare a sufficient number of preprinted 6" x 9" clasp envelopes in the following format:

Inspector Responsibility:

BOOS Case Number
Inspector Name
Inmate Name
S-Number

Jail Staff Responsibility:

Date of Visit
Time of Visit
Visitor Name(s)
CO Recording Visit (Printed)
Badge Number

The Inspector will place a new, unwrapped 60 minute cassette tape in each prepared envelope and deliver the envelope and request form to Jail Reception.

Jail Reception will be responsible for notifying Central Control of visits to be taped. The Central Control officer will tape the visit, seal the tape in an envelope, note the above Jail Staff Responsibility information on the envelope. The envelopes will be delivered to assigned Inspector via interoffice mail.

Upon receipt of the envelopes, the Inspector will punch out the tabs on the cassettes to prevent accidental erasure and document the tape on a evidence report.

In Category I cases, the Inspector will review the tapes and prepare a brief summary of the conversation. The summary will include the date and time of the visit and any inculpatory or exculpatory statements made by the defendant will be specifically noted.

In Category II cases, no Inspector review and/or summary is required.

The requesting Attorney will ultimately be responsible for reviewing the tapes to determine whether they contain discoverable material. The Attorney is responsible for the discovery of tapes that contain discoverable material.

The Evidence Report, summaries of the visits, and copies of the tapes will be discovered to the defense no later than 30 days before the first scheduled trial date.

Tapes of visits will not be routinely transcribed. Transcriptions will be completed only on tapes containing statements that will be introduced at trial.

REMOVAL OF A PRISONER

37.0 PURPOSE

To establish a procedure for the temporary removal of a prisoner and his production into court.

37.1 POLICY

Often the defendant or a witness to a pending criminal case is incarcerated in a facility based on a court order and outside our immediate control.

To have prisoner transferred to your custody and control requires a court order be served on the facility holding the person in question.

37.2 APPLICATION

- A. Complete an Affidavit for Order for Temporary Removal of Prisoner and for His Production as a Witness.
 1. Affidavit must include
 - a. Name of affiant
 - b. Position of affiant
 - c. Reason prisoner's presence is required
 - d. Name of prisoner
 - e. Place where prisoner is confined
 - f. Place where prisoner is to be produced
 - g. Date & time prisoner is to be produced
- B. Obtain a Court Order
- C. Obtain a command letter to Authority where prisoner is confined.

TRAVEL REIMBURSEMENT

38.0 PURPOSE

To establish procedures for Inspectors to be reimbursed for the expenses of work related travel.

38.1 POLICY

An Inspector, as part of his duty responsibilities, may be required to travel out of town, out of county, or out of state. The Inspector is to be reimbursed for all expenses that are directly related to his job performance.

38.2 APPLICATION

- A. Any travel, lodging, or meals -with the exception of an emergency investigation - requires the approval of a Bureau Supervisor, the D.A. Chief of Administration, and the County Administrative Officer. This includes travel where the cost is incurred by another agency other than the County.
 - 1. Any requests for travel / training requires a minimum of 30 days prior notice.
 - 2. Requests require submission of forms:
 - a. Request for Travel Reimbursement (DAO 706)
 - b. Request for Travel Advance (AUD-26A)
 - c. Conference/Training Request and Report Form (AUD-26C)
- B. Modes of transportation are decided upon a case by case basis determined by:
 - 1. Nature of the assignment
 - 2. Distance
 - 3. Time
 - 4. Cost

C. Vehicle Rental

1. It is required that the most economical means of transportation available be used.
2. A car may be rented only when no other ground transportation is available.
3. Car rental claims can only be made for actual driving to and from training or assignment. Days other than going to and from point of origin will not be paid for.
4. Some Inspectors have access to the County rental car credit cards. This may be used only for travel related to a criminal case or investigation. This card cannot be used for car rental for training seminars or other conference.

VICTIM - WITNESS POLICY

39.0 PURPOSE

Generally a person who has personal knowledge or facts about a criminal case shall not receive any consideration for providing information obtained as a result of their witnessing the event or occurrence. But, all too often citizens who become involved with the criminal justice system, either as victims or witnesses to crime, are victimized by that system. There is a need to reduce the trauma and insensitive treatment that victims and witnesses may experience in the wake of a crime. Criminal Justice agencies must be concerned with the welfare of victims and witnesses as much as in apprehending the criminal.

39.1 POLICY

The Santa Cruz County District Attorney's Office will provide whatever assistance is available to victims/witnesses through State mandated and funded programs.

39.2 VICTIM-WITNESS ASSISTANCE PROGRAM

- A. The California State Treasury has a Victim-Witness Fund that is controlled through the Office of Criminal Justice Planning. Within the Santa Cruz County District Attorney's Office is a Victim-Witness Coordinator Unit responsible for providing the services outlined by law.
- B. The purpose of the fund is to:
 - 1. Reduce the trauma and insensitive treatment of victim-witnesses;
 - 2. To provide practical advice and care;
 - 3. To assist victim-witness through the court/trial process

- C. Practical care could include:
 - 1. Emergency assistance;
 - 2. Crisis intervention
 - 3. Medical expenses;
 - 4. Rehabilitation costs;
 - 5. Counseling referrals;
 - 6. Lost income/wages;
 - 7. Orientation to criminal justice system.

- D. On a case by case basis the District Attorney's Office may provide limited assistance to witnesses in criminal cases in the form of temporary housing, food, and transportation. Consideration for such assistance shall be limited to the most serious cases where a potential for violence exists.

39.4 WITNESS PROTECTION POLICY

- A. The Santa Cruz County District Attorney's Office does not provide physical protection for victims or witnesses involved in criminal cases. The office is not structured, staffed, funded or intended to provide such protection.

- B. When credible evidence exists of a substantial danger that a witness may suffer intimidation or retaliatory violence, the Office will coordinate through the California Attorney General and the Department of Justice the opportunity to enter a witness protection program.

INVESTIGATION TRACKING REPORT

40.0 PURPOSE

The proper assignment, tracking, and termination of an investigation is essential to the proper case management for the Bureau of Investigations.

40.1 POLICY

All investigations conducted by the Bureau of Investigations will be accompanied by a Investigation Tracking Report which establishes certain procedures to be followed.

40.2 APPLICATION

- A. All new investigations (whether self-initiated or at the request of an attorney) will be directed to the Chief Inspector (or his/her designee).
- B. The Chief Inspector will review the new investigation and complete the top portion of the Investigation Tracking Report, which includes:
 - 1. Receipt of case and date
 - 2. Offense or type of investigation
 - 3. Defendant or subject name(s)
 - 4. Attorney assigned (if applicable)
 - 5. Direct assignment to an Investigation Team
- C. The Chief Inspector will designate the investigation case number code as follows:
 - 1. "B" Background Investigation
 - 2. "PF" Pretrial: Felony
 - 3. "PM" Pretrial: Misdemeanor
 - 4. "M" Insurance Fraud
 - 5. "S" Special Investigations (Internal Affairs, Officer Involved Shooting)
 - 6. "O" Other Investigations (Child Abduction, Sexual Assault, Domestic Abuse, Certificate of Rehabilitation)

- D. The Chief Inspector will attach the Investigation Tracking Form to the Investigative Request with any agency reports and forward to an Inspector III for assignment.
- E. Inspector III's will review the new investigation and complete section two, making an assignment to the appropriate Inspector II or Investigator Assistant based on :
 - 1. Speciality
 - 2. Current case load
 - 3. Personnel availability
- F. The Inspector III will forward the new investigation to the Investigations Secretary for assignment of a case number, entry into the Case Management System, and preparation of an investigation file. The investigation file will be delivered to the assigned Inspector.
- G. The assigned Inspector will maintain the investigation file until the case has a disposition.
- H. Upon completion of the case the Inspector will complete the "Disposition" portion of the Investigation Tracking Form, which includes:
 - 1. The actual disposition (conviction, acquittal, etc.)
 - 2. A brief narrative
 - a) In cases where no reports were generated, this narrative section may be used to summarize the case.
- I. The Inspector will note whether any evidence and/or property was collected and, if items were collected, that they were purged from DAO property (destroyed, returned to originating agency, returned to victim/witness, stored in warehouse).

Investigations may not be closed until evidence/property relating to the case has been disposed of.
- J. The Inspector will sign/date the Investigation Tracking Form, attach the Form as the first page of the Investigation file and deliver the completed file to an Inspector III for final review.
- K. The Inspector III will review, sign/date acknowledgment, and deliver the Investigation file to the Investigations Secretary for entry in the Case Management System and file storage.

USE OF PHYSICAL FORCE

It shall be the policy of the District Attorney's Office to recognize that Inspectors may be confronted with situations where use of force is necessary for the protection of the Inspector, protection of another person, or to affect an arrest.

The least amount of force necessary to accomplish compliance shall be used. Inspectors have an obligation to de-escalate force when appropriate.

This policy is not intended to create doubt in the mind of an Inspector at a moment when action is critical with little time for contemplation. It provides basic guidelines governing use of force so that an Inspector can be confident in exercising their discretion.

1. **Deadly Force:** The application of any type of force which, when used, would lead a reasonable Inspector to believe the proximate outcome will result in death or serious bodily injury.

a. **Use of Deadly Force**

An Inspector is authorized to use deadly force when it appears necessary, and other reasonable means of apprehension and control have been exhausted or would prove ineffective:

- * To protect the Inspector or others from immediate threat of death or serious bodily injury, or
- * To prevent a life threatening crime or to apprehend a fleeing felon where the Inspector has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
- * To dispatch a gravely injured animal to prevent suffering when no other immediate help is available.

b. **Justification limited to facts known to Inspector**

- * Justification for the use of deadly force must be based on the facts known or perceived by the Inspector at the time he decides to use deadly force. Facts unknown to the Inspector, no matter how compelling, cannot be considered at a later date to justify the use of deadly force.

c. Drawing or Exhibiting Firearms

- * Unnecessarily or prematurely drawing or exhibiting a firearm limits an Inspector's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm.
- * An Inspector may draw or exhibit firearms only when necessary for his own safety or that of another person.

d. Report of Firearm Discharges

- * Whenever an Inspector discharges a firearm outside of training situations, a written report must be made to the Chief of Inspectors as soon as practical.

e. Handling of Discharged Weapons

- * Weapons discharged in situations covered by these procedures will normally be entered into evidence along with remaining rounds and expended cases until such time as the weapons are released by the Shooting Review Board.

2. Administrative Review

- a. The Shooting Review Board will consist of at least three persons designated by the District Attorney.
- b. The Shooting Review Board will review the incident and follow the chain of command to the District Attorney.
- c. If applicable, the County Officer Involved Critical Incident Protocol shall be implemented.
- d. The involved Inspectors shall be immediately removed from their primary duties pending the Administrative Review.
- e. Return to duty will be determined by an Administrative Review of the entire incident.