

Risk Management Bureau Unit Orders

- **Unit Order #1**

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: EVENT DATA RECORDER IMAGING FOR DEPARTMENT VEHICLES

PURPOSE OF ORDER

The purpose of this order is to establish the criteria and procedures for imaging electronic data recorders during the investigation of a fatal traffic collision, serious injury traffic collision, or any other incident when deemed appropriate for the incident.

SCOPE OF ORDER

All personnel assigned to Traffic Services Detail (TSO).

ISSUE

There are modules in recent model passenger cars, light trucks, and SUVs which are generically referred to as Airbag Control Modules (ACM). The function of these modules is to control the various restraint systems in these vehicles. Restraint systems include supplemental and primary restraints, such as airbags and seatbelt pretensioners. The ACM has a sub-component which is called the Event Data Recorder (EDR); however, in Ford and Mercury vehicles the EDR is a sub-component of the Powertrain Control Module (PCM). The EDR is a function within the ACM or PCM which has the capability to save certain crash parameters after the primary functions are completed. The primary function of the ACM is to make a deployment/non-deployment decision for airbags and seatbelt pretensioners based on the crash pulse data from the EDR.

Many vehicles are supported by the Bosch Crash Data Retrieval (CDR) system. This system allows an

investigator to image the EDR. The Code of Federal Regulations law 49 Part 563 allows EDR access to all supported vehicles.

In 2003, California enacted Section 9951 of the California Vehicle Code (CVC), which is entitled "Recording devices in motor vehicles sold or leased in state; Disclosure; Downloading, retrieval, or release of data; Subscription services; Applicability." The CVC section is listed here in its entity:

9951 CVC

- a. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more recording devices commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SOM)," shall disclose that fact in the owner's manual for the vehicle.
- b. As used in this section, "recording device" means a device that is installed by the manufacturer of the vehicle and does one or more of the following, for the purpose of retrieving data after an accident:
 1. Records how fast and in which direction the motor vehicle is traveling.
 2. Records a history of where the motor vehicle travels.
 3. Records steering performance.
 4. Records brake performance including, but not limited to, whether brakes were applied before an accident.
 5. Records the driver's seat belt status.
 6. Has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communication system when an accident occurs.

(c) Data described in subdivision (b) that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under one of the following circumstances:

(1) The registered owner of the motor vehicle consents to the retrieval of the information.

(2) In response to an order of a court having jurisdiction to issue the order.

(3) For the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver.

(4) Data is retrieved by a licensed new motor vehicle dealer, or by an automotive technician as defined in Section 9880.1 of the Business and Professions Code, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(d) A person authorized to download or otherwise retrieve data from a recording device pursuant to paragraph (3) of subdivision ©, may not release that data, except to share the data among the motor vehicle

safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

(e) (1) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in paragraph (2) or (6) of subdivision (b) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription agreement.

(2) Subdivision (c) does not apply to subscription services meeting the requirements of paragraph (1).

(f) This section applies to all motor vehicles manufactured on or after July 1, 2004.

As a result of Section 9951 CVC, the imaging of an EDR requires either consent from the registered owner of the vehicle or a court order. This will ensure that the data imaged will stand up in court proceedings, whether criminal or civil.

ORDER

It shall be the policy of the Risk Management Bureau and Traffic Services Detail that imaging a Department vehicle should be considered in the following circumstances:

- Fatal collisions;
- Serious injury collisions; or
- When deemed appropriate for that incident.

When a Department vehicle is involved in any type of collision and there is deployment level event of any restraint or safety device, the vehicle shall be imaged. Only a certified technician may image the EDR of a Department vehicle.

Traffic Services Detail investigators have the authority to authorize Department consent for imaging Department vehicles for any appropriate investigative purpose(s).

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• Unit Order #2

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: CRIMINAL MONITORS FOR TRAFFIC COLLISION INVESTIGATIONS

PURPOSE OF ORDER

To establish guidelines for monitoring traffic collision investigation cases that will be presented for possible criminal charges.

SCOPE OF ORDER

All personnel assigned to Traffic Services Detail (TSD).

ORDER

TSD handles many employee involved traffic collision investigations. Depending on the seriousness of the collision, where it occurred, or the need to show unbiased transparency, some Department employee traffic collision investigations are completed by California Highway Patrol, Los Angeles Police Department, or other non-Department law enforcement agencies. When any of these cases are presented to their respective prosecuting attorneys for filing consideration, the results are normally only given back to the filing department.

Upon completion of the criminal case, strict administrative investigation timelines begin. If the criminal dispositions are not presented back to their respective unit or division in a timely manner the time to complete an administrative investigation can be significantly cut or it can expire before any corrective actions can be taken.

Regardless of the investigating agency, all traffic collision investigations where an employee's actions will be presented for possible criminal charges (i.e. criminal negligence etc.) need to be criminally monitored by Internal Affairs Bureau (IAB).

Within 30 days of the incident, TSD staff shall be responsible for emailing the involved employee's unit of assignment and advising them to request IAB open a criminal monitor for the traffic collision case. Upon completion of the criminal monitor, IAB will advise the unit and the administrative investigation process will be initiated.

- **Unit Order #3**

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: U-VISA CHANGES & IMPLEMENTATION PROCEDURE

PURPOSE OF ORDER

The purpose of this unit order is to 1) establish a policy for the processing and initial distribution of U-Visa tracking forms received by Risk Management Bureau (RMB) and/or Field Operations Support Services (FOSS); and 2) establish a policy for entry into the FOSS U-Visa tracking system.

SCOPE OF ORDER

All personnel assigned to Risk Management Bureau.

DISCUSSION

Senate Bill 674 (2015), known as the "Immigration Victims of Crime Equality Act," was signed into law on January 1, 2016. The goal of this legislation is to ensure all victims of a qualifying crime have equal access to a form of immigration status called "U-Visa" (where applicable). Effective January 1, 2017, the law requires certain specific statistical information be provided to the State upon demand. Due to this requirement, a formal process for tracking and maintaining this information must be established to ensure compliance.

ORDER

The following are the procedures for handling the U-Visa tracking forms:

- All U-Visa tracking forms received by Risk Management Bureau will be forwarded to the FOSS sergeant (or designee). The FOSS sergeant (or designee) will note in the lower right corner of the tracking form the date FOSS received the form and forward it to the appropriate staff member so the information can be entered into the U-Visa tracking system.
- Once the relevant information is entered into the U-Visa tracking system, the U-Visa tracking form shall be initialed and dated by the person entering the information. The tracking form will be appropriately filed for future reference. **Entry of the information contained on the tracking form into the U-Visa tracking system shall be completed within three business days.**
- In the event the requirement to enter the information from the U-Visa tracking form into the U-Visa tracking system cannot be met (three business days from the date of reception by the FOSS sergeant), the FOSS sergeant shall be immediately notified.

• Unit Order #4

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: CONFIDENTIALITY AGREEMENT

PURPOSE OF THE ORDER

To establish guidelines for the implementation and maintenance of a confidentiality agreement for all personnel working at Risk Management Bureau (RMB).

SCOPE OF ORDER

All personnel assigned to, or working on a temporary basis at Risk Management Bureau.

ORDER

Risk Management Bureau handles and maintains confidential information throughout its various units and operations. This confidential information can pertain to lawsuits, administrative and criminal investigations, and/or personnel matters. Often this information is protected by attorney-client confidentiality or right to access databases.

Due to access and exposure of this sensitive information, personnel assigned to and/or working at RMB shall sign the following confidentiality agreement form (form) prior to commencing work for/at RMB.

The form shall be completed and signed by each employee and a copy will be provided to the employee for their records. If the employee is assigned to RMB, the original shall be placed in the employee's personnel file. If the employee is on loan and/or assigned on a temporary basis, the original shall be sent to the employee's assigned unit to be placed in their personal file. For personnel not assigned to RMB, a copy shall be kept in a centralized file at RMB Operations

AGREEMENT OF CONFIDENTIALITY FORM RISK MANAGEMENT BUREAU

The undersigned understands and agrees that the information maintained by Risk Management Bureau (RMB) is of a confidential and sensitive nature. The undersigned agrees that they will exercise the utmost discretion and maintain the integrity of all information reviewed or created as a result of their assignment to the Risk Management Bureau. The undersigned further agrees that during and upon completion of their assignment at the RMB, the undersigned will not disclose any information obtained in their capacity at RMB for either professional or personal use outside any official Sheriff Department capacity.

Dated this _____ day of _____, 20____, at _____, California.

Declarant Signature

Witness Signature

Declarant Name (Print)

Witness Name (Print)

Declarant Employee Number

Witness Employee Number

• **Unit Order #5**

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: INMATE GRIEVANCES AGAINST STAFF PROTECTED UNDER PITCHESS

PURPOSE OF ORDER

The purpose of this directive is to establish defined guidelines regarding production of personnel records during an in-camera review subsequent to a Pitchess Motion. In addition to the personnel records identified within the Performance Recording and Monitoring System (PRMS), inmate grievances filed against staff will now be considered personnel records and protected under the Pitchess privilege. In Federal cases where Pitchess is not applicable, inmate complaints against staff will be included with the other personnel records obtained from PRMS and submitted under declaration.

SCOPE OF ORDER

All personnel assigned to, or working on a temporary basis at Risk Management Bureau.

ORDER

The Department has determined that inmate grievances classified as "Complaint Against Staff," that contain a deputy's name and employee number, or wherein the employee is identified, will now be tracked in the Custody Automated Reporting and Tracking System (CARTS) by the employee's name and employee number. This additional information will classify the grievances against staff as personnel records, as defined by 832.8 PC. Therefore, inmate grievances filed against staff that are categorized in the CARTS system by

the employee's name and employee number will be disclosed during in-camera hearings, subsequent to a Pitchess Motion that has been granted. These "personnel records" will no longer be disclosed in response to a subpoena.

Custodian of Records assigned to the Risk Management Bureau Discovery Unit are tasked with the responsibility to contact Custody Support Services (CSS) prior to the in-camera hearing to obtain information regarding inmate grievances against employees. CSS staff will search or cause to be searched inmate grievances filed within the last five years to determine if any inmate grievances have been filed against the employees identified in the motion. The results of this search will be forwarded to the responsible custodian.

If inmate grievances against the named employee exist, a copy of the inmate grievance and the supporting inquiry will be made available to the custodian for production during the in-camera review. If no records exist, the custodian will be notified that a search was conducted and no records were discovered. If the search cannot be completed prior to the in-camera hearing, the custodian shall advise the judge of the circumstances, and the in-camera shall be continued.

Additional information regarding inmate complaints against staff is detailed in Custody Division Directive 12-003, dated July 25, 2012.

Any questions regarding this bulletin should be directed to the lieutenant overseeing the Discovery Unit at (323) 890-5000.

- **Unit Order #6**

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



RISK MANAGEMENT BUREAU - UNIT ORDER #6

SUBJECT: FACILITY SECURITY CHECKS

PURPOSE OF ORDER

In times of civil unrest and threats against law enforcement, it may become necessary to conduct Facility Security Checks for our building.

The purpose of this order is to establish standard practices regarding Facility Security Checks.

The goal of these checks is to prevent criminal activity directed at law enforcement.

SCOPE OF ORDER

The order applies to sworn Risk Management Bureau personnel.

ORDER

At a minimum of once daily (Monday through Friday), sworn personnel will be responsible for walking the perimeter and common areas of our building in order to detect and/or deter criminal activity/attacks against law enforcement. Examples of possible criminal activity may include vandalism, abandoned suspicious packages, and suspicious persons loitering in and around the facility.

The on-call lieutenant or sergeant will be responsible for ensuring the daily security checks are completed. Deputies who complete the daily security checks shall record it in the Security Check Log located in the Risk Management Bureau Shared Files.

If criminal activity is detected, sworn personnel shall notify East Los Angeles Sheriff's Station and request a response. The nature of the event and level of exigency will dictate the type and level of response by both Risk Management Bureau personnel and East Los Angeles Sheriff's Station.

In all instances, the protection and preservation of life shall be paramount. Direct, immediate interventions and responses by Risk Management Bureau personnel shall be guided by this principle. The types of immediate actions could include, but are not limited to: Evacuations, detaining of suspects, and summoning of specialized resources.

Personnel shall always consider all civilian staff at private businesses located within our shared building space, as well as those who work in the adjacent building, when conducting lifesaving and risk mitigation strategies.

- Personnel at private businesses are not required to follow our orders unless it is a lawful order in compliance with California Penal Code Sections 148(a), 409.5, or 416.

• Unit Order #7

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



UNIT ORDER # 7

SUBJECT: CAL-CARD PROGRAM

PURPOSE

The Sheriff's Department adopted the CAL-Card Program in 2002 to provide a more efficient, cost-effective method of purchasing and paying for small dollar transactions. The program is designed to streamline a variety of processes including petty cash, requisitions, and non-agreement type purchases. It is not intended to circumvent any existing purchasing procedure, policy, statute, or law.

SCOPE

All personnel assigned to, or working on a temporary basis at, Risk Management Bureau.

ORDER

Guidelines of Issuance

All requests for CAL-Cards must be submitted on the "CAL-Card Participant Request Form" (SH-AD-32). The request must come from the unit commander

or above and sent to the director of Fiscal Administration through the division budget representative. The request form must include:

- Cardholder's full legal name (First, Middle, and Last Name);
- A written justification for the card;
- Its planned usage;
- Estimated annual expenditures;
- Funding source (i.e., unit code); and

- Division chief or division director's approval.

Upon acknowledgment by the division budget representative, the request will be forwarded to the director of Fiscal Administration for approval by the Administrative Services Division (ASD) division director.

Unit Commander or Designee Responsibilities

- Review, match, and approve the **original** cardholder's bank statement, Monthly Transaction Log, and receipts for each cardholder;
- Ensure the purchases are appropriate and reconciled (sign, date, and unit code) and send completed monthly package to the division budget representative;
- Request cancellations as needed of a CAL-Card; and
- Retain CAL-Cards and notify the division budget representative of cardholders who are leaving the Department, terminating county service, or transferring to another unit.

Late Submittals

It is the unit commander's responsibility to ensure the cardholder submits a timely reconciliation each month without being prompted by the Accounts Payable Unit. Cardholders who are consistently late (e.g., two or more times) with monthly submittals or fail to submit **original** statements, logs, and receipts will face temporary suspension or cancellation of their card **without prior notice**.

The unit commander and cardholders are subject to independent review and monitoring by the Department's Internal Audit Section.

Division Budget Representative Responsibilities

- Receive CAL-Card requests and forward the original to Fiscal Administration, General Accounting Unit;
- Notify requester of CAL-Card training and card issuance guidelines;
- Acknowledge receipt of the **original** cardholder bank statement, Monthly Transaction Log, and receipts; and
- Sign and date the transaction log and forward to Accounts Payable by the 10th of the month.

Cardholder Responsibilities

A cardholder is an individual designated by the program coordinator and unit commander to be a CAL-Card recipient and make Sheriff's Department purchases. The cardholder must be a **permanent** Sheriff's Department employee.

NOTE: The CAL-Card Participant Request Form and Monthly Transaction Log can be found in the Department's Forms and Document Center.

Roles/responsibilities include the following:

- Receive CAL-Card usage training (Mandatory);
- Sign the CAL-Card Cardholder Agreement;
- Review the cardholder bank statement (available online) and verify information is correct. Identify any "questionable items," and attach all **original** receipts;
- Tape smaller size receipts to an 8 ½ x 11 sheet of paper to avoid losing documentation;
- Complete the Monthly Transaction Log and forward completed package to the unit commander on or before the 5th of the month following the bank statement date, regardless of whether or not there are transactions for that statement period;
- If the cardholder is unavailable to review their bank statement, a supervisor shall compile and submit the package to the unit commander;
- Security of the card (including immediate reporting of lost/stolen card);
- Executives who use the CAL-Card for travel **MUST** book through the County's travel agency;
- Immediately resolve all questionable items or disputes directly with the vendor and/or the U.S. Bank representative;
- Payments to Uber, Lyft, and other ride-sharing apps are NOT allowed;
- If the purchase limit is reached and an emergency arises, a memo from the cardholder's unit commander to Fiscal Administration's director will be required for an increase of the card's limit; and
- Under no circumstances shall the cardholder allow anyone to use their card. Using someone else's card constitutes fraud and will be cause for disciplinary action up to, and including, cancellation of the card.

Late Submittals

Cardholders who are consistently late (e.g., two or more times) with monthly submittals or fail to submit **original** cardholder bank statement, Monthly Transaction Log, and receipts will face temporary suspension or permanent cancellation of their card **without prior notice**.

****Cardholders shall immediately report a lost or stolen CAL-Card to U.S. Bank Customer Service at 1-800-344-5696 and Fiscal Administration General Accounting at (213) 229-3303 or (213) 229-3234. Additionally, the unit commander shall adhere to the Manual of Policy and Procedures Section 4-19/055.00 - Lost Cards, Form SH-R- 49.**

FORMS

Cal Card Request Form

Cal Card Monthly Transaction Log

- **Unit Order #8**

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



UNIT ORDER # 8

SUBJECT: OBTAINING INFORMATION FROM INTERNAL CRIMINAL INVESTIGATIONS BUREAU

PURPOSE OF ORDER

To create standardized procedures regarding the manner in which information is obtained from the Internal Criminal Investigation Bureau (ICIB) and provided to legal counsel representing the Department in a civil lawsuit.

SCOPE OF ORDER

This order shall apply to Risk Management Bureau personnel assigned to the Civil Litigation Unit or working on a temporary basis as civil litigation investigators.

ORDER

When a civil lawsuit is filed concurrently with an open ICIB investigation, legal counsel representing the Department may need specific details from an ICIB investigation to defend the Department during trial, or to allow pending civil litigation matters to appropriately toll.

Upon receiving a request from legal counsel for information stemming from an ICIB investigation, a civil litigation investigator shall facilitate contact between legal counsel and the ICIB investigator. The civil litigation investigator shall request the following from ICIB Operations Staff: case status and the ICIB investigator's name.

Open ICIB Investigations

When an ICIB case book has been requested but is not yet completed, the assigned civil litigation investigator shall notify Department legal counsel regarding the open status of the ICIB investigation and the case book status. Further discussions amongst the Civil Litigation Unit, ICIB operations, and county counsel will then occur to determine what information will be provided, so as not to jeopardize the integrity of the criminal investigation, while allowing for an early litigation assessment.

Completed ICIB Book with Pending Criminal Filing Review

When an ICIB case book has been completed, and it is pending review by the District Attorney's Office, the civil litigation investigator shall notify ICIB operations staff of legal counsel's request for the ICIB case book. If a request for an ICIB case book is denied, the Risk Management Bureau unit commander shall contact the ICIB unit commander to inquire as to the reason for denial.

NOTE: Information stemming from a current ICIB investigation is on a need-to-know basis.

Risk Management Bureau Unit Orders
