
Internal Affairs Bureau Unit Orders

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• UNIT ORDER #1 - UNIT ORDER SYSTEM

PURPOSE OF THIS ORDER:

To outline the purpose of the Unit Order System serving the Internal Affairs Bureau (IAB). The Unit Order System and the procedures contained therein are designed to direct the daily operation of the IAB and its personnel.

SCOPE:

All orders will be sequentially numbered and will have a title, phrase, or word that is generally descriptive of the nature of the order and its contents. Unit Orders have the full force and authority of any other Department order, policy and procedure. ***Bureau personnel are required to adhere to these directives.***

Each Unit Order will be reviewed annually and a copy of that directive will be readily available to all personnel.

RESPONSIBILITY:

The Captain's Secretary is responsible for the maintenance of the Unit Orders. That responsibility includes the typing, posting, and filing of each individual Unit Order and submitting the orders to the Unit Commander for review on an annual basis. The review will result in the re-briefing of each order as originally published or as revised.

As each Unit Order is promulgated, it will be e-mailed to Bureau personnel. All Orders will be stored in IAB's "Shared Files" under "Management Directives."

• UNIT ORDER #2 - PROFESSIONAL STANDARDS

PURPOSE OF THIS ORDER:

Personnel assigned to the Internal Affairs Bureau should view their assignment as a statement that the Sheriff has placed special trust and confidence in their abilities and integrity to manage the many complex issues coming to the attention of the Sheriff's Department.

SCOPE:

The maintenance of that trust and confidence requires that members of this Bureau adhere to the following tenets as a minimal level of professional standards.

INTEGRITY

All members of this Bureau are expected to be exemplary in their obedience to all laws and regulations of the Sheriff's Department.

KNOWLEDGE

Bureau members shall keep themselves aware of all Department regulations, statutory concerns and other factors relating to the performance of their duties.

OBJECTIVITY

Members of this Bureau shall not permit personal feelings, prejudices, animosities, friendships, or any other considerations influence their conduct of decisions relating to all matters brought to the attention of this Bureau. The investigator's sole responsibility is to gather all facts regarding allegations brought against Department members. In so doing, he or she must be objective and thorough. Personal opinions, conclusions, or personalities shall not be interjected into investigations.

DILIGENCE

Members of this Bureau should recognize that the work performed by staff may affect the careers and the professional and personal reputations of Department members. Every effort shall be made to gather and report all facts and evidence pertaining to any matter under investigation. Investigators should be able to work with a minimum of supervision and a maximum of effort. Investigators must use their imagination, initiative, and ability to successfully complete their cases. Should any policy violation(s) or risk management exposure arise during an investigation, beyond the original allegation, investigators should address the concern(s) and accurately document their findings for Department Executives.

CONFIDENTIALITY

Information of a confidential nature that is acquired by any member of this Bureau in their official capacity shall not be disclosed, unless disclosure is necessary in the performance of their duties.

POSITIVE IMAGE

Members of this Bureau shall recognize that, in their official capacities, they represent the Sheriff of Los Angeles County. Courtesy, compassion, and a positive, professional image must be maintained in all contacts of an official nature.

• UNIT ORDER #3 - UNIT SAFETY COMMITTEE

PURPOSE OF THIS ORDER:

The Department has mandated that each unit, station or bureau have an Injury and Illness Prevention Program. As a part of this program, every unit in the Department is required to have a Unit Safety Committee that meets at least quarterly and publishes minutes of their meetings. The responsibility of this committee is to facilitate the effective implementation of sound practices and maintenance of the Department through the Unity, Injury and Illness Preventions Program.

SCOPE:

The Safety Committee's duties are as follows:

Reviewing and evaluating all records/reports pertinent to the program.

Ensuring that all suspected, reported, or alleged safety and health hazards are evaluated, and that all identified hazards are mitigated or eliminated if possible.

Developing the Bureau's Code of Safe Practices

Coordinating and providing management support for health and safety activities, such as employee safety suggestions, reports of hazards, etc.

Remaining abreast of all pertinent safety and health regulations and keeping management informed of any changes.

Serving as the liaison between management, employee groups, and regulatory agencies for all Bureau health and safety issues and activities.

Ensuring that safety inspections of work sites and equipment are conducted on a periodic basis.

Maintaining occupational health and safety information on the employee (Wellness) bulletin board.

Maintaining the Cal/OSHA Form Number 200 Log and *Summary of Occupational Injuries and Illnesses* for the Bureau. Copies will be kept at the Captain's Secretary's desk.

Maintaining and reviewing all safety and health records.

Providing consultation for developing and implementing safety and health rules, as necessary, to ensure a safe work environment.

Ensuring timely notification of safety-related incidents to appropriate regulatory agencies.

Reviewing the annual audit of each unit and providing a summary report to the bureau captain.

RESPONSIBILITY:

Overseeing the Safety Committee is the responsibility of the designated lieutenant who shall manage and supervise the safety meeting and ensure that wellness information is shared with all employees. The safety committee should include a sergeant and a professional staff member.

When practicable, the safety committee will meet on the first Wednesday of every quarter at 1000 hours in the Chairperson's office.

• **UNIT ORDER #4 - PORTABLE RADIO ASSIGNMENT AND CONTROL**

PURPOSE OF THIS ORDER:

To establish procedures concerning the assignment, storage, and responsibilities associated with the care and distribution of portable radios.

OVERVIEW

The distribution of the Department issued portable radios will enable sworn personnel at Internal Affairs

Bureau (IAB) to have instant access to emergency communications and assets, if the need arises.

This unit order is in addition to communications policies and regulations outlined in the Manual of Policy & Procedures.

ORDER

All sworn personnel assigned to IAB will be assigned a portable radio, as needed.

The IAB Law Enforcement Technician (LET) will have the collateral duty to oversee the issuance and deployment of all portable radios. The designated radio control person will maintain the radio inventory system, specifying the make, model number, serial number, and personnel assignments for each portable radio assigned to the Bureau. Any portable radio not specifically assigned to an individual shall be safely stored in a locked and secured equipment cabinet inside the LET's office.

POLICY

All sworn personnel assigned to IAB will be required to store their assigned radio in a secure location, e.g., desk or overhead cabinet, in the "off" position. Radios shall not be left unattended in the interior of vehicles. If a radio must be left in a vehicle, it shall be locked in the trunk.

It is the responsibility of each individual assigned a portable radio to have his/her assigned radio with them during their working hours and during their rollout scheduling period.

Portable radios cost the Department approximately \$1,000. All personnel assigned a portable radio shall exercise reasonable and prudent precautions to prevent the loss or theft of their portable radio.

Lost or stolen radios pose a potential officer safety and homeland security risk. In the event of the loss or theft of any Department radio, the concerned person shall immediately (upon realization) report the loss in compliance with Manual of Policy and Procedures section, 3-07/010.40.

The Unit Commander has the authority to revoke radio assignment privileges due to negligence by an assigned employee.

During an extended leave, radios shall be collected by the affected person's immediate supervisor and returned to the LET. Long term injuries/illness, including absences or vacations exceeding 30 calendar days, are cause to return a radio to the Bureau.

Sheriff's Communication Center can provide periodic in-service training upon request. Appropriate documentation of such training shall be maintained by the training staff using an APIS roster.

REFERENCE

For additional information, refer to the attached policies pertaining to possession and care of portable radios.

3-07/010.10 DEPARTMENT AND FCC REGULATIONS

Radio frequencies (channels) and the licenses to operate radio equipment are issued to Los Angeles County for this Department by the Federal Communications Commission (FCC). All communications equipment and its use must conform to Department and FCC regulations including:

- all temporary or permanent base Station equipment must be approved and licensed at the specified site;
- all radio equipment must be FCC type-accepted and approved by the Director of OAS;
- only communications which are essential to official police activities are permissible;
- no indiscreet or profane remarks;
- no superfluous or facetious wording or unauthorized communications,
- no personal remarks or conversation; and
- use of radio channels for training or simulation shall occur only with the prior approval of the SCC Watch Commander. Failure to comply with FCC Rules and Regulations violates federal law and jeopardizes this Department's license to operate.

3-01/040.15 CARE OF COUNTY PROPERTY AND EQUIPMENT

A member shall be responsible for the care, maintenance and serviceable condition of any County property, fixed or movable, issued or assigned to him or otherwise in his care. Loss of, damage to or unserviceable condition of such property shall be reported to his Unit Commander.

Reasonable and prudent precaution shall be taken to prevent the loss or theft of County property. Exceptional care shall be exercised to prevent the loss or theft of security items such as evidence, weapons, radios, vests or tasers.

Loss or preventable theft of County property when the circumstances indicate that a greater degree of caution should have been taken to prevent such loss or theft, willful or negligent abuse, misuse, damage or destruction, shall be grounds for disciplinary action.

A parked vehicle left unattended on the street or in a driveway is particularly vulnerable to theft or burglary. Therefore, personnel shall assure that any County vehicle or any personally owned vehicle which contains County equipment is parked in a safe location and that any firearm, portable radio, evidence, confidential documents or high value County property are secured in the vehicle's trunk, in a rack or a locked container (when available). All weapons shall be removed from any vehicle parked overnight outside of a secure garage. Absent exigent circumstances, any improperly secured equipment stolen from such an unattended vehicle shall be labeled a negligent loss. Consequently, the employee entrusted with the equipment shall, after consideration of all facts and circumstances, be subject to appropriate Department discipline, refer to section 3-03/060.00.

3-07/010.40 LOST/STOLEN/DAMAGED RADIO AND CELLULAR TELEPHONE EQUIPMENT AND ACCESSORIES

- When Department portable communications equipment or accessories are lost, stolen or damaged, the Unit at which it occurred shall:
- make an immediate phone notification to CFMB, Logistics;
- file an Incident Report (SH-R-49) and distribute as follows: o original to be imaged in the electronic

archival system, SECDA; o one copy to the Auditor-Controller, Fixed Assets Unit; o one copy to accompany SH-AD-32A to the reporting Unit's Division Chief or Division Director; and o one copy to CFMB Systems Maintenance Section;

- send a SH-AD-32A, signed by the Captain, to the Division Chief or Division Director. The SH-AD-32A shall include: o type of equipment, i.e., portable radio, speaker/microphone. Full description, i.e., brand name, model, size, etc.; o County serial number and/or the inventory control number; o a brief description of the circumstances surrounding the loss or damage; and o the Unit Commander's finding on the cause of the loss/damage and a determination of negligence involved;
- after review by the Division Chief or Division Director, the SH-AD-32A shall be forwarded to the Chief of TSD, Attn: CFMB; and
- cellular telephone equipment capable of sending and receiving data that is lost or stolen must immediately be reported to Data Systems Bureau via the Help Desk to request a "wipe" of the device. Service on this equipment shall not be suspended or transferred until Data Systems Bureau confirms the data is clear or sufficient time has passed indicating the device is not active. Equipment that is lost, stolen or damaged beyond repair may be replaced if CFMB has sufficient inventory to replace the equipment. If an immediate replacement item is needed, the Chief of TSD shall make the determination whether a loan item will be issued pending the delivery of a replacement item. However, if a loan item is not available, the Division where the loss occurred may be required to provide the necessary funds to purchase the replacement equipment.
- Units with damaged equipment may be required to provide the necessary funds to repair the equipment; and/or
- post or damaged cellular equipment shall be replaced and funded by the requesting Unit. If negligence is determined, the employee may be responsible per MPP section 3-03/060.00.

• UNIT ORDER #5 - AVAILABILITY OF PERSONNEL

The Internal Affairs Bureau provides an important investigative service to Department Executives. Part of effectively providing this service entails being available to respond to inquiries concerning investigations and responding to incidents wherein an immediate investigation is necessary.

Accordingly, investigators shall be available at all times during business hours, or, if on call, after business hours. This availability may be via cellular telephone, landline, or any form of effective communication.

Prior to going off duty on extended days off or vacation, investigators shall apprise their supervisors of the status of pending investigations and significant matters that may receive an executive inquiry during their absence.

• UNIT ORDER #6 - DISTRICT ATTORNEY LETTER OF OPINION

The following guidelines shall be followed when receiving a District Attorney (DA) Letter of Opinion.

- The letter shall be sent to Internal Affairs Bureau (IAB) Operations from Detective Division. If an investigator receives the Letter of Opinion from another source, the investigator shall give a copy to the Captain's Secretary, for processing.

- It will be the responsibility of the assigned investigator to provide the Captain's Secretary with the Statute date.
 - The IAB Captain's Secretary is responsible for the following:
 - Scan the letter and save under the year received using the IV/SH/FO number as the file name, for example: 0000000
\\1-comm-03\IAB\IAB OPERATIONS FOLDERS\DA Letter of Opinion
 - Email a copy of the letter to the IAB Operations Lieutenant, IAB Team Lieutenant, and the Professional Standards Division Chief. List all lawsuits and claims along with their status.
 - Update PRMS from Monitored to Monitor Complete, add a note including DA findings and status of all Lawsuits and Claims; enter the Statute date as provided by the assigned investigator and attach a copy of the letter.
 - Write the IV/SH/FO number, Assigning Lieutenant, Investigating Sergeant, all Lawsuits and Claims on a note and attach to the letter.
 - Log the information in the DA Letter of Opinion Tracker.
 - Once the letter has been reviewed and PRMS has been updated with all pertinent information, it will be given to the Assigning Lieutenant.
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• **UNIT ORDER #7 - TOLLING OF INVESTIGATIONS WITH A CIVIL LAWSUIT PENDING**

PURPOSE OF THIS ORDER:

To outline the process and procedure of the tolling of investigations in which a subject in the investigation is named as a defendant in a civil lawsuit.

Procedure

Pursuant to the California Peace Officers Procedural Bill of Rights 3304(d), the Department "Shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that one-year, except in any of the following circumstances."

(6) "If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending."

However, each case will be independently evaluated by the Captain of Internal Affairs Bureau and with the concurrence of the Chief of Professional Standards Division. A decision will be made on how to proceed with the investigation.

• **UNIT ORDER #8 - INTERNAL AFFAIRS BUREAU (IAB) DOCUMENTS NOT RELEASED TO OUTSIDE ENTITIES**

PURPOSE OF THIS DIRECTIVE:

To ensure the four documents listed below related to IAB investigative files are properly documented within the IAB investigative file, saved properly within the IAB shared files (file server), and to ensure these documents are not released from IAB to outside entities.

IAB DOCUMENTS NOT RELEASED BY IAB TO OUTSIDE ENTITIES:

- Investigator's Log
- Administrative Investigations Time Frame Sheet
- Return to Unit Memorandums
- Completed Investigation/Force/Shooting Investigation Check-Off Sheet

IAB PROTOCOL FOR PROCESSING THE ABOVE DOCUMENTS:

- These documents shall not be listed in any IAB investigative file's Table of Contents.
- With the exception of the Office of Inspector General, the above four documents shall not be released to any outside entity as they are internal documents for IAB use only.

RESPONSIBILITY FOR DIGITIZING AND SAVING COMPLETED IAB FILES:

The IAB file clerk shall be assigned the responsibility of accurately converting hard copy completed IAB investigative files into digital format and shall save in the following manner:

- Upload and save in the IAB Shared File folder (file server) = the entire completed IAB investigative file (includes the above documents). The saved IAB investigative files in this server shall not be released to any outside entity.
- Upload and attach to PRMS = completed IAB investigative file saved in PRMS shall not include the above documents. The saved IAB investigative file in PRMS can be released to authorized-outside entities.

• UNIT ORDER #9 - SPECIAL APPROPRIATION FUND

Internal Affairs Bureau administers a fund of \$2,000 for investigative purposes from a special appropriation fund that is maintained by Administrative Services. The procedures governing this fund are outlined in the Manual of Policy and Procedures, Section 3-05/050.00, "Special Appropriation Fund," a copy of which is attached.

Monies may be drawn from this fund for extraordinary investigative expenses as outlined in the aforementioned section of the Departmental manual. These money draws must be approved in advance by the investigator's team lieutenant and then the Operations Lieutenant. The fund will be maintained by the Operations Lieutenant. The Operations Lieutenant will ensure that the fund is maintained according to the dictates of the Departmental manual. Additionally, he will see that the following additional procedures are followed:

- I. Monies are maintained in the Bureau safe, or other secure location as designated by the Bureau Commander.

- II. Monies are accounted for on an appropriate ledger.
 - III. Disbursed monies are appropriately accounted for on a SHCR175 form ("blue slip"). If the monies are to be disbursed to a paid informant, the informant's signature must also be affixed to the SHCR175 form at the time of disbursement.
 - IV. Compilation of the appropriate memoranda for the Bureau Commander's signature in order to replenish the fund on a regular basis as necessary.
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• **UNIT ORDER #10 - MILEAGE PERMITTEE REPORTING PROCEDURES**

All personnel who are certified mileage permittees shall accurately report their miles driven in county service on the requisite form (Permittee Mileage Claims-form #76M395). The forms shall be submitted in duplicate to the permittee's lieutenant supervisor by the third (3rd) day of the following month.

The permittee's lieutenant shall review the form for completeness and indicate so on each copy. The forms shall then be forwarded to the Internal Affairs Bureau (IAB) Captain for approval and signature. Once approved and signed, they will be forwarded to the Personnel Administration Bureau for processing and payment by Pay, Leaves, and Records Unit.

The IAB Captain's Secretary shall enter the total mileage driven by the mileage permittee into the FAST system by the tenth (10th) day of each month

• **UNIT ORDER #11 - PROFESSIONAL STANDARDS DIVISION (PSD) RESPONSE TEAM/INTERNAL AFFAIRS BUREAU (IAB) FORCE/SHOOTING RESPONSE TEAM ROLL-OUT PROCEDURES**

Please refer to Manual of Policy and Procedures, Section 3-10/120.00, "IAB Force/Shooting Response Teams." Departmental regulations shall take precedence if there is a conflict with this management directive.

IAB is charged with the responsibility of acting as the main coordinating unit for field operations, custody operations, or any incident that may subject the Department to civil litigation. The main objective in fulfilling this responsibility is to minimize the Department's civil liability in these instances. As such, the Bureau will be organized to provide for the immediate availability of one lieutenant, and at least one team of two (2) sergeants for immediate response to the scenes of these events.

Each lieutenant assigned to the Bureau will be subjected to being on-call on a rotational basis for a period of one-week, commencing at 0600 hours on each Wednesday. The Team Lieutenants will be responsible for maintaining an on-call roster, and seeing that Department's Operations Center (DOC) is suitably notified on a regular basis as to the name of the On-Call Lieutenant and team members.

The On-call Bureau Lieutenants will comply with all Department, Division and Bureau directives related to activating a Force/Shooting Response Team, and the subsequent reporting requirements following an activation. They will ensure that a suitable roster is maintained for those Bureau personnel under their

supervision, so that on a rotational basis, there is always at least one team of two (2) sergeants' on-call for immediate response.

The On-Call Bureau Lieutenant will make a notification to the PSD Chief prior to 0830 hours of the next working day following the activation of a response team. This notification will contain all the requisite details of the event that caused the activation. The On-Call Bureau Lieutenant is also responsible for notifying the Bureau Commander in a timely manner of the details of the response, and any other person that the Bureau Commander may designate.

• **UNIT ORDER #12 - RESPONSIBILITIES OF THE DUTY SERGEANT**

PURPOSE OF THIS ORDER:

Each business day, one of the Internal Affairs Bureau (IAB) Sergeants is assigned as the Duty Sergeant (Barrel). It is the responsibility of the Duty Sergeant to be in the office from 0830 to 1700 hours, in order to perform specific assigned duties. These duties include:

1. Receiving public complaints, both telephonic and at the counter. Collect the WSCR forms and log book. Make sure the next WSCR number corresponds with the next number in the log book. Confer with previously assigned Duty Sergeant to clear any discrepancies;
2. Assisting with IAB administrative duties, including reviewing and handling requests received by RightFax (1IABF);
3. Assisting other units/agencies with information gathering and/or questions regarding Department procedures. Be sure to check that all the necessary paperwork is in order first (ie: signed release for disclosure of IAB records by the employee, etc.);
4. Handling other assignments as directed by IAB Lieutenants.

In addition, the Duty Sergeant is responsible for securing the IAB office at the end of each business day. These duties include:

1. Ensuring the IAB telephone is set to voicemail for afterhours calls;
 2. Turning off all personal and IAB appliances (coffee makers, radios, heaters, fans, etc.);
 3. Ensuring the 2nd floor conference room and interview rooms are locked;
 4. Turning off all overhead office lights;
 5. Ensuring all doors leading into the unit are locked;
 - a. IAB main double door
 - b. Door in reception area leading into IAB office
 - c. Door in IAB leading into hallway by kitchen/conference room
 - d. Both doors leading into the kitchen
 - e. Rear entrance door leading into IAB
 6. Activating the alarm, or advising those personnel remaining in the office the responsibility is theirs.
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• **UNIT ORDER #13 - ADMINISTRATIVE PROCEDURES AND TRACKING FOR DISCIPLINARY CASES**

PURPOSE OF THIS ORDER:

The goal is to have a clear understanding of the Internal Affairs Bureau (IAB) Administrative procedures process for tracking disciplinary cases.

Procedures:

When an investigation has been completed and the decision has been made to impose discipline, it is the responsibility of the subject's unit to provide timely notification to the IAB of that decision.

Units will return the case and disposition to the IAB where it will be logged in and sent to Advocacy. Advocacy will review the disposition to ensure the correct language and charges were included in the disposition and assist in the creation of the Letter of Intent.

Advocacy will contact IAB support staff to have the Letter of Intent drafted.

The Letter of Intent will be prepared by IAB support staff responsible for the subject's specific case assignment Alpha. They will contact the Unit and coordinate the date the subject will be served their Letter of Intent.

Currently, the case assignment Alpha is broken down as follows:

A - H

I - P

Q - Z

The Letter of Intent will be prepared by IAB support staff and sent to the Unit (except in a discharge case, which is signed by the IAB Captain), via e-mail, to be placed on Department letterhead, signed by the Unit Commander, and presented to the subject.

Once the disposition of a case is received with the intended discipline, the information will be added to the Discipline Tracker by the IAB support staff. (The tracker is to ensure the discipline process is followed through to imposition).

Once the Letter of Intent is served, it is Employee Relations' responsibility to advise IAB personnel if the subject has filed a grievance regarding the intended disciplinary action within 10 days.

If the subject does not file a grievance against the intended disciplinary action, Employee Relations will notify IAB support staff, in order for the Letter of Imposition to be prepared.

If the subject files a grievance against the intended disciplinary action, Employee Relations will notify IAB of the grievance, or if a Pre-Disposition Settlement Agreement has been agreed to by all parties. At that point,

the Discipline Tracker and Performance Recording and Monitoring System will be updated with the current information.

If the case is a discharge case and was heard at Case Review, a Skelly hearing is scheduled by the IAB support staff. The support staff will follow up with the Division involved, the day after the Skelly hearing.

Once the grievance or Skelly hearing has concluded and a decision rendered, whether granted or denied, Employee Relations or the Division involved, will advise IAB support staff, via e-mail, of the final outcome. IAB support staff will be responsible for typing the Letter of Imposition.

The Discipline tracker will be monitored by the IAB support staff supervisor to ensure the timely imposition of the intended discipline.

The IAB Lieutenant responsible for the secretariat will periodically audit the tracker for accuracy.

• UNIT ORDER #14 - RECEIPT OF WATCH COMMANDER SERVICE COMMENT REPORTS BY INTERNAL AFFAIRS BUREAU (IAB) PERSONNEL

All complaints shall be accepted in a courteous, understanding and professional manner. The "Watch Commanders Service Comment Report" (WCSCR) will be used to record all complaints received by the Internal Affairs Bureau (IAB). The following procedures shall be adhered to by IAB personnel receiving complaints from the public when assigned as the Duty Sergeant:

Duty Sergeant Procedures

- At the beginning of his/her tour of duty, the Duty Sergeant will obtain sequentially numbered WCSCR's from the file folder which is maintained by the timecards binder.
- The Duty Sergeant is responsible for the completion of all WCSRCs and for completing the "Watch Commanders Service Comment Report Log" sign out sheet, which is maintained by the timecards.
- At the end of the day, the Duty Sergeant shall submit the complaint to the designated professional staff member.

Procedures for Designated Professional Staff Member:

- Maintain, track and distribute all WCSCRs completed by IAB personnel.
 - Ensure that the cover memo for each WCSCR is signed by the IAB Captain or his/her designee.
 - at all copies of the WCSCR and a copy of the narrative page, if any, are mailed to the concerned unit for distribution. In those incidents where the complaint was lodged in person at IAB, the sergeant handling the complaint will personally provide the complainant with the appropriate forms (Make a photocopy of all IAB generated documentation for IAB record keeping purposes).
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• UNIT ORDER #15 - INVESTIGATIONS OF RELIEVED OF DUTY (ROD) PERSONNEL

Members of the Department may be ROD when the alleged misconduct is of such a nature that discharge may result. Consequently, these investigations should be given the highest priority and should be completed in 60 days, when practical.

Division Chiefs or Unit Commanders often relieve subjects of duty based on information known at the inception of an investigation. It is our responsibility to ensure the concerned Chief or Captain is kept apprised of the status of the investigation.

Investigators shall provide their Team Lieutenant regular updates on the progress of cases involving ROD subjects. This update shall be provided immediately if information is developed in the investigation that would reduce the likelihood that the employee might be discharged, so that he may be considered for return to duty. The update will be sent via email and contain the following:

- 1) A synopsis of the case
- 2) The progress of the case.
- 3) Any factors that are causing a delay.
- 4) An estimated completion date.

When an Internal Affairs Bureau (IAB) Lieutenant receives information from an investigator on a ROD case that has the potential of altering the ROD status, the Lieutenant will do the following:

- 1) Notify the IAB Captain.
- 2) Contact the concerned Division Chief and Unit Commander.

The new information will be provided to the concerned Division Chief and Unit Commander for their consideration regarding returning the employee to full duty.

• UNIT ORDER #16 - REQUESTING STATEMENTS OR EVIDENCE FROM OUTSIDE GOVERNMENT AGENCIES

PURPOSE OF THIS ORDER:

To establish Internal Affairs Bureau (IAB) protocol for officially requesting statements, documentation, photographs, audio and video recordings, or any other necessary items that may serve as essential evidence in an administrative investigation.

Procedure

During the course of an administrative investigation, witness statements, reports, or other evidence may come from various government sources, such as law enforcement agencies, fire departments, etc. Generally, most agencies cooperate with the investigation. However, there may be instances where an agency is reluctant to provide documents or other evidence. There may also be times when involved personnel from these agencies

decline to furnish statements relevant to the administrative investigation.

In these cases, IAB investigators shall draft a letter from the IAB Captain to the department head of the affected agency. The letter shall detail what is requested and explain the nature of the request. The letter shall also request written response to the IAB Captain and provide a return address.

All correspondence of this nature shall be included in the administrative investigation case book.

• UNIT ORDER #17 - USE OF INTERNAL AFFAIRS BUREAU (IAB) VEHICLES

PURPOSE OF THIS ORDER:

This Unit Order outlines IAB policy and procedures with respect to the use of Department vehicles.

SCOPE:

This order governs the use of Department vehicles by investigators and supervisory personnel assigned to the IAB. This order provides authorization, with specific limitations, to use the vehicles in order to facilitate the unique nature of our mission so we may provide around the clock response to the administrative needs of the Department. This order addresses some, but not necessarily all, of the issues and responsibilities associated with the privilege of being assigned a take-home vehicle. *IAB members shall only use their assigned take-home vehicles for IAB-related business.*

ORDER:

Only the IAB Captain or an IAB lieutenant is authorized to assign or allow the use of a take-home vehicle. The IAB Fleet Law Enforcement Technician (LET) shall maintain documentation to identify those personnel assigned or authorized to take home a Department vehicle. Take-home vehicles are assigned only to those personnel who have a specific need based on the requirements of their duty assignment, i.e., the employee is subject to a call-out to an incident that requires an immediate response.

Factors that will be taken into consideration prior to authorization include the location where the automobile will be parked and whether the automobile can be secured during off-duty hours. The justification and other factors shall be reviewed at least once a year by the IAB Captain. An IAB Lieutenant may authorize an investigator, who is not assigned a take-home vehicle, to take home a Department vehicle when it is cost effective or will benefit an investigation.

Department vehicles shall not be used during off-duty hours, with the exception of those personnel who are in-transit to or from an assignment, nor shall his/her assigned take-home vehicle be utilized to travel to or from an outside work location. Personnel who have the need to drive a Department vehicle while off-duty shall obtain prior approval from the Unit Commander or their Team Lieutenant. Driving a Department vehicle after consuming an alcoholic beverage is prohibited.

Proper care shall be used to maintain and protect Department vehicles and all Department property or equipment stored within such vehicles. Additional information regarding the Care of County Property can be

found in the Manual of Policy and Procedures.

VEHICLE MAINTENANCE AND PROTECTION OF DEPARTMENT PROPERTY:

Responsibility for the maintenance and general appearance of IAB vehicles is that of the assigned driver. The LET will be assigned the duty for coordinating and facilitating vehicle maintenance. This includes maintaining liaison with Communications and Fleet Management Bureau concerning compliance with vehicle maintenance requirements and reporting procedures. Vehicle service orders and the accompanying documents for repairs done by Fleet Management or outside vendors must be submitted to the IAB LET who will process and track all service records.

In addition, the investigator is responsible for protecting the Department vehicle and all Department property or equipment stored within such vehicles.

VEHICLE MILEAGE:

Mileage for county vehicles must be reported via the Semi-Annual Vehicle Inventory Report, which is submitted to Division on January 10th and July 10th of each year. IAB Personnel shall provide their required vehicle information, as it pertains to the Semi-Annual Vehicle Inventory Report, to operations in the weeks leading up to the report deadline.

MEMORANDUM OF UNDERSTANDING FORM:

Each IAB investigator assigned a Department vehicle must complete the attached Memorandum of Understanding form. Completed forms are to be submitted to the LET.

• UNIT ORDER #18 - INVESTIGATIVE INTERVIEWS OF DEPARTMENT EXECUTIVES

PURPOSE OF THIS ORDER:

This Unit Order sets forth policy for investigative interviews of Departmental executives by Internal Affairs Bureau (IAB) investigators.

If during the course of an investigation, an investigator finds it necessary to interview a Department executive (Captain/Director or above), the investigator shall apprise their Supervising Lieutenant of the circumstances necessitating the interview. The Lieutenant will evaluate these circumstances and decide whether or not the Executive will be interviewed. If the Executive is to be interviewed as a witness, the Supervising Lieutenant shall grant approval, and inform the IAB Captain of the decision.

If the Supervising Lieutenant deems it appropriate to interview the Department Executive as a subject, approval for doing so will be sought from the IAB Captain. The IAB Captain will direct the Supervising Lieutenant as to interview procedures.

• **UNIT ORDER #19 - CASE PREPARATION**

Upon receipt of a case, the investigator shall accomplish the following initial investigative steps:

1. With extreme priority, the investigator shall review the case and advise his/her Team Lieutenant of any potential conflicts of interest or concern with the statute date. In instances of conflicts of interest, the Team Lieutenant will consult with the Unit Commander to determine if another investigator will be assigned to handle the investigation.
2. If a concern exists with the calculated statute date, the Team Lieutenant must verify and approve the correct statute date (review inquiry memo, or other sources to ensure the correct statute date has been calculated).
3. The investigator will collect any documents or evidence that were not initially provided or may be lost if not collected immediately (video, audio, etc.).
4. The investigator shall then formulate an investigative plan or strategy. Part of this plan shall take into consideration the number of interviews to be done and the investigator's other investigations.
5. Review any prior investigative or civil litigation files of the subject(s), witnesses, or complainant(s) of the investigation.
6. In some cases, transcripts from criminal and civil trials, as well as civil depositions, may be necessary components to an investigation as evidence or documentation for cases involving, but not limited to:
 - Allegations of perjury
 - False statements
 - When a non-Departmental witness refuses to interview with IAB investigators (There must be a nexus to the investigation.)
 - Any statements that may be material to the alleged policy violation(s)

• **UNIT ORDER #20 - SHERIFF'S INFORMATION BUREAU OPERATIONAL LOG ENTRIES**

Occasionally, it may become necessary to make an operational log entry for activities involving the Internal Affairs Bureau. Log entries shall be approved by a Lieutenant or the Captain.

The person making the log entry shall be guided by the Sheriff's information Bureau representative regarding the format. All entries shall be brief and designated as "confidential," if appropriate.

• UNIT ORDER #21 - IDENTIFYING OBVIOUS OR POTENTIAL CRIMINAL AND NONCRIMINAL MISCONDUCT DURING ADMINISTRATIVE INVESTIGATIONS AND/OR FORCE AND SHOOTING REVIEWS

PURPOSE OF THIS ORDER:

This order is intended to provide Internal Affairs Bureau (IAB) investigators and managers with procedures and expectations related to identifying and reporting obvious and/or potential criminal and noncriminal misconduct.

PROCEDURE:

Potential noncriminal misconduct, including all potential Manual of Policy and Procedures violations not previously known/identified:

If during the course of an administrative investigation or Use of Force and/or Shooting Review case, noncriminal misconduct in violation of Department policy is discovered which is **unrelated** to the investigation at hand, that information shall be immediately reported to the responsible unit commander and operations lieutenant. Generally, decision making responsibility as related to additional “conduct” concerns remain with the unit commander holding management over the subject employee’s actions and/or conduct at the time the original event occurred. Initial notification of potential noncriminal misconduct can be conducted verbally, however, must be followed by formal notification via memorandum. The memorandum shall be authored from the IAB investigator to the IAB captain and to the responsible unit commander/director. Distribution will be that the notification of alleged misconduct shall be referenced within the summary of the current investigation as an “Investigator Note,” and shall be maintained within the “Notes” section of the Performance Recording and Monitoring System to include a copy of the notification memorandum.

Potential criminal conduct not previously known/identified; or, previously known but not criminally investigated:

When obvious or potential criminal conduct is identified, which an investigator cannot confirm was previously investigated by the appropriate agency/unit of jurisdiction (i.e., ICIB or outside agency), it shall be immediately reported to the responsible IAB team lieutenant and IAB captain by memorandum, and an entry made in the IAB Investigator’s Log. The memorandum shall include the following information at minimum:

- Case number and brief description of the incident/administrative investigation under way.
- Description of the obvious or potential criminal conduct identified and how it was discovered.
- The date, time and identity of those informed of the conduct, including the involved employee’s unit commander, operations personnel, division personnel, etc.

In accordance with Unit Order #23 Senate Bill 2 Misconduct Allegation Reporting Tracking (SMART) System – Entry Requirements, in all cases involving obvious or potential misconduct, SMART System entries shall be conducted by the sergeant investigator within 3 days of knowledge. Refer to Unit Order #23 and the Department’s SB 2 SharePoint site [SB2 - Home \(sharepoint.com\)](https://sharepoint.com) for SMART entry procedures.

For cases involving obvious or potential criminal conduct, a copy of the notification memorandum, as described above, will be provided to the Professional Standards Division (PSD) commander without delay.

The IAB operations staff shall ensure the Performance Recording and Management System (PRMS) Note section has an entry to memorialize the notifications made, and attach a copy of the notification memorandum.

Note: Category-3 Use of Force and/or Non-Hit Shooting Review cases follow divisional briefing procedures outlined in IAB Unit Order #11.

• UNIT ORDER #22 - COMPLAINTS REFERRED FROM THE FEDERAL BUREAU OF INVESTIGATIONS (FBI)

• UNIT ORDER #23 - SENATE BILL 2 MISCONDUCT ALLEGATION REPORTING TRACKING (SMART) SYSTEM “ ENTRY REQUIREMENTS

PURPOSE OF THIS ORDER:

This order is intended to provide Internal Affairs Bureau (IAB) investigators and managers with procedures and expectations related to required entries into the Senate Bill 2 Misconduct Allegation Reporting Tracking (SMART) System, as it related to obvious and/or potential criminal and noncriminal misconduct.

PROCEDURE:

In accordance with reporting procedures outlined in Unit Order #21 Identifying Obvious or Potential Criminal and Noncriminal Misconduct During Administrative Investigations and/or Force and Shooting Reviews, and Intake Specialist Unit notification policies, an associated SMART System entry is required.

Within 3 days of knowledge of the allegation of misconduct, the investigating IAB sergeant or team lieutenant shall report, at minimum, preliminary information into the Department's SMART System.

Preliminary information includes the following:

- Involved employee information: employee number, classification, unit of assignment, work status, and misconduct type;
- Incident location;
- Complainant type;
- Administrative Process type;
- Incident details; and
- A short narrative of the investigation or allegation.

Upon making a SMART System entry, a separate notification number will be issued for each involved employee, which shall be referenced within the:

- Notification memorandum to the responsible unit commander, see Unit Order #21;
- IAB investigator's log; and

- Current investigative summary within an Investigator Note.

SMART SYSTEM ACCESS:

- Access to the SMART System can be found on the Department's SB 2 SharePoint site [SB2 - Home \(sharepoint.com\)](#) and by clicking on the "SMART Application Link." Additionally, instructions for use of the SMART System and reference information are detailed on the SB 2 SharePoint site. For assistance or questions related to the SMART System, refer to the Risk Management SB 2 team @ SB2HelpDesk@lasd.org, or 323)720-6855.
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• UNIT ORDER #24 - EMPLOYEE CLIQUES, SUBGROUPS AND/OR DEPUTY GANG INFORMATION AND INVESTIGATIONS

PURPOSE OF THIS ORDER:

This order is intended to provide Internal Affairs Bureau (IAB) investigators and managers with procedures and expectations related to investigations, as well as the reporting of information, about employee cliques, subgroups, and/or "deputy gangs."

PROCEDURES:

The attached list of questions, titled **Internal Affairs Bureau Employee Cliques and/or Deputy Gang Investigation Questions**, has been compiled from more than one administrative investigation and has been created over time. Not all listed questions are used for every case involving allegations of violations of Manual of Policy and Procedures section 3-01/050.83, Employee Groups which Violate Rights of Other Employees or Members of the Public, but allows for options depending on the facts of individual investigations. Some of the provided question examples overlap and are similar. This list is not intended to be all-inclusive or limiting and can be modified and expanded as needed on a case-by-case basis.

This list shall be referenced and used in all cases in which there are allegations of violations of the Manual of Policy and Procedures section 3-01/050.83 Employee Groups which Violate Rights of Other Employees or Members of the Public, or involve any allegation of misconduct related to membership in an employee subgroup, clique, or "deputy gang."

Allegations of deputy clique or gang participation that arise from complaints (Watch Commander Service Comment Report), civil lawsuits, social media, or other sources, pertaining to the investigation at hand, are reasons to include probative lines of questioning about employee clique, subgroup and/or "deputy gang" membership, affiliation, and to inquire whether such membership is related to the alleged misconduct or the employee(s) actions.

Department policies and procedures related to Workplace Violence, Retaliation, the Policy of Equality, and Psychological Services Bureau referrals shall be followed when applicable.

Reporting of Information

When, during the course of an administrative investigation, new, previously unknown information is discovered

pertaining to the existence of an employee clique, subgroup, and/or “deputy gang,” the investigator shall author a memorandum to the IAB unit commander and the responsible unit commander or director outlining the facts. For incidents of alleged criminal and non-criminal misconduct, reference Unit Order #21. All memorandums related to known or alleged employee cliques, subgroups, and/or “deputy gangs” shall be copied to the responsible division chief or division director and the Office of Constitutional Policing.

• **UNIT ORDER #25 - OFFICE OF INSPECTOR GENERAL MONITORED CASES**

PURPOSE OF THIS ORDER:

The purpose of this unit order is to outline procedures for Office of Inspector General requests regarding their “live monitoring” of administrative investigations, force and shooting reviews, and/or criminal monitors.

SCOPE:

This unit order applies only to cases monitored by the Office of Inspector General (OIG) staff.

Procedure:

Upon receipt of a request from the OIG regarding the monitoring of a case, the following procedures shall be followed:

- IAB operations staff shall notify, by email, the affected case investigator, team lieutenant, and the operations lieutenant.
 - IAB operations staff shall add the case to a shared computer file accessible to the OIG Executive Staff ([\\1-comm-03\OIGRequests\OIG Cases\Executive Staff](#)), to which the investigator will be given access.
 - The operations lieutenant shall ensure the monitored case is added to the “OIG Monitored Cases” tab of the electronic IAB Master Tracker, currently in Microsoft Teams.
 - The investigator shall immediately copy all applicable files, investigator logs, transcripts, interviews, etc., to the designated OIG shared file. Additionally, investigators shall continue to provide copies of all investigative material produced and/or acquired into the OIG shared file within 48 hours; a copy of all material shall be retained in the investigator’s normal shared case file folder(s).
 - The investigator shall send an email to his/her team lieutenant, operations lieutenant and Operations Assistant III Jessica Real and Operations Assistant II Michelle Aparicio each time new information is added to the OIG shared file. The investigator shall then update their case log to reflect the new information provided. Once added to the OIG shared file, no information shall be deleted or removed.
 - Operations Assistant III Jessica Real or Operations Assistant II Michelle Aparicio will send a notification email to the OIG Executive Staff email group each time new information/material is added.
 - The responsible team lieutenant shall update the summary portion of the IAB Master Tracker to reflect any changes or additional information for the concerned case.
 - The operations lieutenant shall conduct monthly audits of the OIG monitored cases to ensure compliance.
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• UNIT ORDER #28 - ATTORNEYS PRESENT AT COMPLAINANT/WITNESS INTERVIEWS

The following guidelines shall be followed when complainants or witnesses request the presence of an attorney during their interview.

- The interview shall be scheduled at a time mutually convenient for all parties; however, caution must be used to ensure the complainant/witness and/or their attorney does not attempt to obstruct or influence the outcome of the case by unnecessarily delaying the interview.
- The interview should occur at the Internal Affairs Bureau Office whenever possible; however, situations may arise when the complainant/witness will only consent to an interview at their attorney's office. Under these circumstances, two investigators will conduct the interview at the attorney's office. The interview shall be recorded
- Prior to commencing a complainant/witness interview, the investigator shall provide the attorney with a verbal advisement of his/her role during the interview. The advisement shall be read into the record of the interview and should be similar to the following example:

"You are being permitted to attend this interview because your client feels more comfortable with you being present. The accommodation was made for that reason only. Under no circumstances will you be permitted to object to questions or interject your opinion during the interview. We request that you remain silent."

• UNIT ORDER #29 - OUTSIDE OVERTIME

PURPOSE OF THIS ORDER:

To outline the procedure for personnel assigned to the Internal Affairs Bureau (IAB), to schedule and work overtime at outside units. The responsibilities of the employee and the host unit, including schedule limitations are outlined in this directive.

PROCEDURE:

Prior to an IAB employee working overtime at another Unit, authorization from the IAB Captain and their Team Lieutenant must be received.

It is the responsibility of the individual employee to prepare a memorandum from the IAB Captain to the Unit Commander of the host facility before an employee can work outside overtime. The memorandum will specify that the employee has the approval of the IAB Captain to work overtime at the host facility.

The IAB employee shall comply with all Manual of Policy and Procedure Sections governing overtime: 03-02/280.00 OVERTIME, 03-02/280.10 OVERTIME AUTHORIZATION, 03-02/280.15 OVERTIME PROVISIONS, 03-02/290.00 OVERTIME GUIDELINES, 03-02/290.05 GENERAL GUIDELINES, and 03-02/290.10 SPECIFIC GUIDELINES.

OUTSIDE OVERTIME

It is the responsibility of the IAB employee to schedule outside overtime that does not conflict with his or her work schedule. Employees shall not adjust their schedule to work outside overtime. The employee shall complete the overtime slip and ensure that the "fund organization" of the outside Unit is placed in the upper right hand box of the slip. This will ensure that the overtime is billed to the correct facility.

• **UNIT ORDER #31 - INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)**

PURPOSE OF THIS ORDER:

Internal Affairs Bureau (IAB) is committed to ensuring an effective health and safety program. Managers and supervisors within IAB shall remain familiar with the safety and health hazards to which employees under their immediate direction and control may be exposed. Below is a list of considerations that should be taken into account.

Responsibility for Implementing the Program:

Responsibility for the management of an IIPP rests with the Unit Commander. The Unit Commander may direct operational duties of this program to his subordinates, through a chain of command. Accordingly, operational responsibility for IAB shall rest with a designated Lieutenant.

This does not relieve other supervisory personnel from the responsibility to pro-actively identify hazardous situations and to take immediate corrective action.

Employee Compliance with Safe and Healthful Work Practices:

IAB is responsible for maintaining a safe work environment for all identified hazardous operations. This includes communicating safe work practices, policies and procedures to employees, and ensuring they are understood. IAB employees, in turn, are responsible for maintaining a safe work environment by following all established safe work practices in accordance with Departmental policies.

Communication with Employees:

Open communication between management and employees on health and safety issues is essential to an injury-free, productive workplace. The Unit Commander or his/her designee shall communicate any general, non-emergent safety issues or concerns at IAB staff meetings. Specific or emergent safety issues shall be communicated in person or by e-mail as soon as practical by the IAB Captain or designee.

INJURY AND ILLNESS PREVENTION PROGRAM

IAB employees are to be encouraged to report, without fear of reprisal, hazards they identify at the work site to the IAB Captain or Lieutenant. The Lieutenant shall investigate the report and if warranted, develop a corrective plan. Final approval of the corrective plan shall rest with the unit commander.

Hazard Assessment:

The IAB Lieutenant shall conduct an annual workplace inspection at the beginning of each calendar year to identify and evaluate unsafe conditions and work practices. Such inspections shall be documented in a special folder maintained by the Unit Commander's Secretary. Additionally, whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; or when management is made aware of new or previously unrecognized hazards, an inspection shall be made and documented.

Accident/Exposure Investigation:

Investigations of accidents, exposures or near misses shall be conducted and recorded in accordance with Department policies. Focus should be made to obtain facts concerning the causes and factors related to such incidents. The investigation should, if possible, determine how the accident/exposure or "near miss" could be prevented in the future.

Hazard Control:

Procedures shall be established for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner when first observed or discovered. When corrective action involves multiple steps or cannot be completed promptly, an action plan should be developed. When an imminent hazard exists which cannot be immediately abated without endangering employees and/or property, all exposed personnel must be removed from the area except those necessary to correct the problem.

Training:

Training and instruction on workplace hazards and safe work practices will be provided:

- When the IIPP is first established
- To all new employees; or to employees given new job assignments for which training has not previously been received
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever management is made aware of a new or previously unrecognized hazard.

INJURY AND ILLNESS PREVENTION PROGRAM

- To new managers and supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- Whenever a work related injury or illness occurs in order to prevent similar incidents from recurring.

Record keeping:

- Injuries - All injuries and illnesses shall be documented in accordance with Department policies.
- Safety Inspections - The periodic safety inspections should be documented. Include the names of those conducting the inspection, any unsafe conditions and work practices identified, and the action taken to correct the hazard. These records should be maintained for a minimum of one year.
- Safety Training - Any safety training given to employees should be documented, including the names of the attendees, date of training, type of training, names and titles of person(s) providing the training, and

a short description of the curriculum. These records should also be maintained for a minimum of one year.

Safety and Health Committee:

As part of this program every unit in the Department is required to have a Unit Safety Committee that meets at least quarterly and publishes minutes of their meetings. The responsibility of this committee is to facilitate the effective implementation and maintenance of the Department and unit IIPP.

IAB shall form a Safety and Health Committee comprised of at least three (3) bureau employees who shall formally meet as a committee at least once each quarter. The committee shall create written records of the issues discussed at the meetings and maintain these records for a period of one year. The committee shall conduct a safety inspection once each quarter and document their findings. The committee shall review reports of alleged hazardous conditions brought to the attention of the Committee.

The Safety Committee's duties are as follows:

- Review and evaluate all records/reports pertinent to the program.
- Ensure that all suspected, reported, or alleged safety and health hazards are evaluated, and that all identified hazards are handled.
- Develop the Bureau's Code of Safe Practices.
- Coordinate and provide management support for health and safety activities, such as employee safety suggestions, reports of hazards, etc.
- Remain abreast of all pertinent safety and health regulations and keep management informed.
- Serve as the liaison between management, employee groups, and regulatory agencies for all Bureau health and safety issues/activities.

INJURY AND ILLNESS PREVENTION PROGRAM

- Ensure that safety inspections of work sites and equipment are conducted on a periodic basis.
- Maintain occupational health and safety information on the employee (Wellness) bulletin board.
- Maintain the Cal/OSHA Form Number 200 Log and Summary of Occupational Injuries and Illnesses for the Bureau. Copies will be kept at the Captain's Secretary's desk.
- Maintain and review all safety and health records.
- Provide consultation for developing and implementing safety and health rules, as necessary, to ensure safe work performance.
- Ensure timely notification of safety-related incidents to appropriate regulatory agencies.
- Review the annual audit of each unit and providing a summary report to the Bureau Captain.

RESPONSIBILITY:

Overseeing the Safety Committee is the responsibility of the designated lieutenant who shall manage and supervise the safety meeting and ensure that wellness information is shared with all employees. The safety committee will include a sergeant and a professional staff member.

The safety committee will meet on the first Wednesday of every quarter at 1000 hours in the Chairperson's office.

Working with Contract Employees:

When utilizing contract employees for temporary or specialized projects, an IAB Lieutenant or his/her designee shall orient these employees on our IIPP and ensure that they comply with related policies and procedures.

• UNIT ORDER #32 - COMPUTER FILE SERVER SECURITY

The following guidelines shall be followed when the administrative password for the Dictaphone file server is needed.

- The administrative password to the Dictaphone file server shall be restricted to the building network administrator and his/her designee who shall memorize the password.
- In rare instances there may be a need to obtain the password when the network administrator or his designee are not available. In this situation, the number may be obtained from an envelope maintained in the bureau safe.
- The file server administrative password shall be maintained in a sealed envelope and kept in the safe at all times.
- Should a need arise to obtain this number, a written explanation shall be included inside the envelope. The envelope shall be immediately thereafter be re-sealed and returned to the safe.

• UNIT ODER #34 - TIMEKEEPING PROCEDURES

PURPOSE OF ORDER:

In order to ensure accurate certification of creditable service hours, it is necessary to establish a standard method of tracking the total number of hours worked by unit employees. This directive outlines the procedure and the responsibilities of IAB employees to track and account for the total number of hours worked each week.

SCOPE OF ORDER:

This order applies to all sworn and professional staff of the Internal Affairs Bureau.

ORDER:

All personnel are required to enter their "in" and "out" time and the total number of hours worked each day on the Weekly Time Sheet. This shall be done daily; however, if the employee is out of the office, he or she shall enter the information on the time sheet on the next work day. Entering the daily "in" and "out" time and total number of hours worked in advance is prohibited.

The standard work week runs from Sunday through Saturday. It is mandatory that all regular time worked, and all time taken off, be entered by each employee on the Weekly Time Sheet. Overtime hours (and overtime worked at other units of assignment) is to be entered only by the designated Senior Typist Clerk, as specific color coding is used.

Each employee is required to sign his or her name on the signature line. No one else can sign for the employee.

All entries must be made by noon on Monday for the previous work week. Each Monday, the team lieutenants and the professional staff supervisor are responsible for ensuring that their subordinates have entered their time and have signed their name on the previous week's time sheet.

OVERTIME SLIPS AND ABSENCE REQUESTS:

All absence requests and overtime slips must be submitted for approval to the employee's supervisor, who will then forward them to the timekeeper. Overtime slips must be forwarded to the timekeeper by noon on Monday for overtime worked the previous week. Late submission may cause a delay in payment to the employee.

Daily Time Sheets, overtime slips, time-off requests, etc. shall be completed in black ink or on the computer; pencil is not acceptable. Absolutely no white out is acceptable on the Weekly Time Sheets. If an error is made, it should be crossed out and initialed.

Because payroll information is recorded in TIME-I, it is imperative that the Team Lieutenants verify their subordinates' time without delay. Inaccurate input and/or delay in posting the number of hours worked could result in a reduction in pay for that particular pay period.

• UNIT ORDER #35 - CIVIL SERVICE HEARINGS

PURPOSE OF THIS DIRECTIVE:

It is the policy of the Internal Affairs Bureau that the case investigator shall be available to assist the Advocacy Unit at Civil Service hearings for cases in which the discipline is being appealed before the Commission.

SCOPE:

The IAB investigator is responsible for working closely with the Advocacy Unit, as well as those law firms hired by the Department to litigate administrative matters before the Civil Service Commission. The case investigator shall be responsible for assisting the Advocacy Unit in locating and coordinating the appearance of all witnesses, complainants, and for ensuring that all relevant evidence is available for review and submission to the Hearing Officer.

Investigators shall make themselves available to serve as the Investigating Officer (IO) during the administrative hearing. The case investigator may be required to attend the hearing and be available to assist as needed.

• **UNIT ORDER #36 - MENTORING NEW INVESTIGATORS**

PURPOSE OF THIS ORDER:

To ensure the training program establishes minimum training benchmarks for new investigators assigned to the Internal Affairs Bureau (IAB) is standardized to better facilitate the learning process and to ensure the new investigator understands the role of an IAB Investigator before he or she is assigned a caseload.

SCOPE:

Administrative investigations involve complex, sensitive and highly confidential information. Proper training and experience is paramount in developing highly skilled investigators critical to IAB. All newly assigned investigators must be provided the essential tools and knowledge requisite to possess the attributes to conduct comprehensive and thorough investigations.

Therefore, all IAB investigators should attend the following courses within their first year of assignment, or upon the earliest scheduled availability of the courses:

- Internal Affairs Seminar
- Investigative Interview and Interrogation
- Officer-Involved Shootings

The new investigator shall work with a tenured investigator selected by the Team Lieutenant for a period of three (3) months. The new investigator must work closely with his or her mentor for the first thirty days to learn how to conduct an administrative investigation. This includes conducting interviews, attending case review, attending Executive Force Review Committee, and assigned to force or shooting rollouts.

- The new investigator shall not work at home during the training period without first consulting with his or her team lieutenant.

DUTIES AND RESPONSIBILITIES OF THE MENTOR:

It is the responsibility of the mentor to follow the guidelines of the IAB Training Program and to complete the training checklist for his/her new investigator (see attached). The completed training checklist shall be submitted to the Team Lieutenant at the end of the three (3) month period and a copy of the training checklist will be placed in the new investigator's Unit personnel file.

• • **UNIT ORDER #36 - 36 ATTACHMENT**

INTERNAL AFFAIRS BUREAU

TRAINING PROGRAM

NEW INVESTIGATOR	MENTOR SERGEANT	DATE ASSIGNED TO UNIT	TRAINING LT. VERIFICATION	I.A.B. CAPTAIN

PURPOSE

This program is designed to ensure that newly assigned sergeants are given the necessary direction and background to effectively handle their responsibilities. The program is not all inclusive; it is intended to provide a basis upon which to build and to minimize the need to learn through trial and error. Incumbent upon each new investigator will be the realization of his or her limitations at any given time and the judgment to seek advice when uncertain and assistance when in need.

THE PROGRAM

Team Lieutenants will select an experienced I.A.B. Sergeant from their team (hereafter referred to as the mentor) to train the newly assigned investigator. In addition to any other training or orientation provided, the mentor will have the responsibility to direct and monitor the new investigator through the tasks identified in the training checklist. The mentor will indicate the “date explained” and “date understands” for each subject. The new investigator will initial each subject as he or she feels comfortable with it. The checklist will be maintained by the mentor until it is completed. It will then be submitted to the Training Lieutenant via the Team Lieutenant at the conclusion of the program.

The Team Lieutenant will be responsible for monitoring the progress of the new sergeant.

TRAINING PHILOSOPHY

Ideally, the new investigator will be assigned responsibilities by the mentor until the completion of the program. To best accomplish certain aspects of the program it may be necessary, or more appropriate, for the newly assigned investigator to work with selected unit personnel for limited periods of time. The mentor will still be responsible to ensure acceptable training occurs in all areas.

The training philosophy of the Bureau is one of “close mentorship.” This means the newly assigned investigator should be accompanied by his or her mentor for at least three consecutive months. The new investigator should work cases with his or her mentor, regardless of whether the case is assigned to the mentor or the new investigator. The mentor should always be present when the new investigator is assigned as the “Duty Sergeant,” as if both were assigned. In other words, the mentor is to provide very close guidance to the newly assigned investigator so as to provide the best training possible. During the fourth month, the newly assigned investigator should be able to conduct interviews on their own in preparation for the completion of his or her training by the beginning of the fifth month. These timelines are stated only as a

guideline, and may be exceeded if necessary.

WEEK ONE

- Introduction of personnel and Bureau by Mentor Sergeant.
- Meet and talk with Captain.
- Orientation by Lieutenant and experienced sergeants to cover protocols, expectations, and Bureau philosophy.
- Assignment of keys and necessary equipment by Operations Lieutenant or Captain's designee.
- Distribute information packet or have newly assigned investigator photocopy and compile available material for reference.
- Provide the new investigator with digital copies of the Administrative Investigations Handbook, Guidelines for Discipline, and all Unit Management Directives.

CRITICAL TRAINING AREAS

Computer Training

Within the first month of assignment, the new investigator shall be provided with an orientation and hands on training regarding the NT System.

Force/Shooting Roll-Outs

Newly assigned investigators (sergeants only) are to be assigned to respond as a third person to force or shooting roll-outs to observe the two assigned sergeants. These roll-outs should be varied so as to expose the sergeant to different types of roll-outs. These assignments do not necessarily need to be with the mentor. The purpose is to provide the opportunity for the newly assigned sergeant to be an observer prior to rolling as the first or second person.

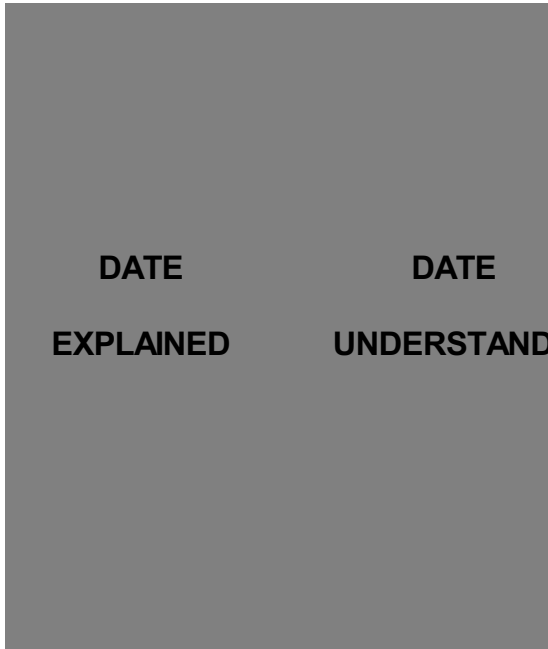
Equipment Training

Within the first month of assignment, arrangements shall be made to provide training in the use of assigned field equipment to the newly assigned investigator.

Advocacy Unit

Within the first three months of assignment, each newly assigned investigator should receive an orientation and training session from the Advocacy Unit regarding the function of the Unit, effective interviewing, and other areas of importance for an investigator.

INTRODUCTION



- A. Introduction
 - 1. Employees
 - 2. Staff Areas of Responsibilities
 - 3. I.A.B. Captain
- B. Administrative Investigations Handbook
- C. IAB Files
 - 1. Administrative Investigation, Shooting, Force Files/Tapes
 - 2. Watch Commander Service Comment Files
 - 3. Shooting and Force Files
 - 4. Supplies/Equipment
 - 5. IAB Management Directives
- D. Cases
 - 1. Origin

- 2. Complaint Procedures
- 3. Case Routing
 - a. Shooting and Force
 - b. Sexual Harassment
 - c. Other Cases
- 4. Final Distribution

E. Information Sources

- 1. Personnel Administration
- 2. Records and Identification Bureau
- 3. CII and FBI
- 4. ICIB
- 5. Risk Management
- 6. Crime Lab
- 7. Tech Crew

F. NT Computers

- 1. Location of Forms in Outlook
- 2. IAB Shared Files
- 3. Saving of Completed Cases in IAB Shared Files
- 4. P.R.M.S.

FORMS AND PROCEDURES

DATE	DATE
EXPLAINED	UNDERSTANDS

Internal Affairs Bureau Unit Orders

- A. Investigator's Activity Log
- B. Personnel Investigation Form
- C. Investigative Summary
- D. Subject/Witness Admonition Forms
- E. Case Stacking
- F. Exhibits/Misc. Notes
- G. Notifications
(Receipt and Conclusion of Investigation)
 - 1. Subject
 - 2. Complainant
 - 3. Division
 - 4. Updating Unit Commander
- H. Covers
 - 1. Admin. Inv. – Yellow
 - 2. ROD - Red
 - 3. Force - Blue
 - 4. Shooting - Green
 - 5. POE – Salmon
- I. Resignations
 - 1. Admonition/Recording
 - 2. Position of the Department
- J. Inactivations

K. Relieved of Duty

1. Discharge Letters

2. 18.01 Letters

L. IOD's

M. Case Review

CONDUCTING THE INVESTIGATION

DATE	DATE	NEW INV.	MENTORS
EXPLAINED	UNDERSTANDS	INITIALS	INITIALS

A. Evidence Collection/Analyze Complaint

B. Scheduling of Interviews

1. Complainant

a. Interview Right Away

2. Department Witnesses

3. Civilian Witnesses

4. Subjects

a. What Subject is Entitled To

b. Contacts & Requests of Union
Reps.

C. Interviews

1. Participants and Their Rights

a. Civilian Witnesses

b. Department Witnesses/Subjects

c. Complainants

d. Outside Agencies

2. Tape Recording

a. Transcription of Interviews

3. Interview Techniques

D. Peace Officers Bill of Rights

E. Deadlines

a. One Year Rule - 3304 Govt. Code

b. IAB Deadlines

c. Routing of Completed Admin Inv.

SHOOTING AND FORCE RESPONSE TEAM

DATE	DATE	NEW INV.	MENTORS
EXPLAINED	UNDERSTANDS	INITIALS	INITIALS

A. Schedule

a. Team Assignment

b. Responsibilities

B. Criteria for Responses

C. Types of Responses

1. Hit Shootings

2. Non Hit Shooting

3. Force Incidents

4. Administrative Investigation vs.
Force/Shooting Review

D. Role of the Investigator

E. Checklists/Forms for Responses

F. Shooting/Force Admonition Forms

G. Shooting Debriefing (Hits Only)

H. Executive Force Review Committee
(EFRC)

1. Attend EFRC

2. Routing of the Force/Shooting Review

I. Other Responses

1. For Cause Drug Testing

2. Immediate Administrative Investigation

ADVOCACY UNIT

DATE	DATE	NEW INV.	MENTORS
EXPLAINED	UNDERSTANDS	INITIALS	INITIALS

A. Introduction to Personnel

B. Preparing for Civil Service Hearing

C. Civil Service Hearings

INTAKE SPECIALIST UNIT

DATE EXPLAINED	DATE UNDERSTANDS	NEW INV. INITIALS	MENTORS INITIALS
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- A. Department
 - 1. Introduction of Staff
 - 2. Responsibilities of ISU
- B. County Ombudsman

“DUTY SERGEANT” RESPONSIBILITIES

DATE EXPLAINED	DATE UNDERSTANDS	NEW INV. INITIALS	MENTORS INITIALS
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- A. Scheduling/Hours of Duty (0900-1730)
- B. Taking Complaints
 - 1. Completing SCR
 - 2. PDE Entry
- C. 1-800 Complaints
 - 1. Hours: IAB 0900 - 1700
- D. Letters of Intent/Imposition
- E. Prior Discipline Requests
- F. Security/Closing Checklist

REVIEW OF UNIT-LEVEL FORCE PACKAGES

DATE	DATE	NEW INV. INITIALS	MENTORS INITIALS
EXPLAINED UNDERSTANDS			

A. Review for Accuracy and Thoroughness

ATTEND CORE CLASSES

DATE	MENTORS INITIALS
------	------------------

- A. Internal Affairs Seminar
- B. Interviews and Interrogations
- C. Officer Involved Shootings

COMMENTS:

• UNIT ORDER #37 - FORCE/SHOOTING REVIEW INVESTIGATIVE FORMAT

PURPOSE OF THIS ORDER:

To standardize the force/shooting investigative format.

SCOPE:

The investigator is responsible for documenting his or her findings with as much detail as possible to ensure that the case summary accurately documents the incident.

DUTIES AND RESPONSIBILITIES OF THE INVESTIGATOR:

The assigned investigator is responsible for submitting the force or shooting review within 90 days of the reported incident, whenever practical. Exception: Shooting reviews of hit shootings shall be submitted within 90 days of receipt of the Homicide Book.

CASE SUMMARY FORMAT:

The format is as follows:

1. HEADING:

- INVESTIGATIVE SUMMARY
- TYPE OF INCIDENT example: DEPUTY INVOLVED SHOOTING – NON-HIT
- IAB FILE NUMBER example: SH 1234567 URN 999-99999-9999-999

2. OPENING STATEMENT:

Open with a brief introduction: On Monday, February 26, 2001, Sergeants (name) and (name) of the Internal Affairs Bureau responded to (location) regarding a (*brief description of the incident*). Internal Affairs Bureau Lieutenant (name) also responded. Identify all other persons who responded and joined in the inquiry, e.g., personnel from the Training Bureau and personnel from Civil Litigation, etc.

3. INVOLVED PERSONNEL:

SMITH, Joseph

Date of Employment

Date assigned to Patrol/Custody

Completed Patrol/Custody Training

Prior Shooting Incident(s)

Prior Founded Force Incidents

4. SUSPECT/INMATE

DOE, John MW/22 Booking # XXXXXXXX

Criminal history

5. WITNESSES

List of all witnesses, both sworn and civilian.

6. INJURIES

Describe the injuries to both the suspect/inmate and the involved employees which occurred as a direct result of the incident. ***When applicable, include a statement from the attending physician as to whether or not the suspect's injuries are consistent with the type of force reported.***

7. PHYSICAL EVIDENCE

Note all physical evidence held or evidence taken by the Crime Laboratory. ***In this section, when applicable, include where the shell casings were found, how many were found, and where the***

rounds struck, etc. If the inquiry involves a hit shooting, refer the reader to the page(s) in the Homicide Bureau shooting book.

8. INVESTIGATOR OBSERVATIONS:

Note any observations you made at the scene or elsewhere that are significant to the focus of the inquiry.

9. WEAPONS USED BY DEPUTY PERSONNEL:

List any and all weapons used by Sheriff's personnel, including the type and, where applicable, the number of rounds discharged, including the number of spent casings recovered.

SERVICE WEAPON TYPE
BATON/FLASHLIGHT/SAP
TYPE OF AMMUNITION USED
DATE EMPLOYEE LAST QUALIFIED
DATE LAST TRAINED WITH WEAPON

10. WEAPONS USED BY INMATES/SUSPECTS:

TYPE OF WEAPON USED OR SUSPECTED
WEAPONS RECOVERED
CASINGS RECOVERED
GUNSHOT RESIDUE RESULTS
WEAPON CHECKED FOR FINGERPRINTS RESULTS

11. PROPERTY DAMAGE

List any and all damage to private property or county equipment. List the name of the investigator assigned from Civil Litigation.

12. CRIMINAL INVESTIGATOR/CHARGES FILED:

List who conducted the criminal investigation and what, if any, charges were filed by the court.

INVESTIGATOR'S NAME
COURT
CHARGES
COURT DATE

13. LIGHTING AND WEATHER CONDITIONS:

Describe: Rain, clear, cloudy, full moon, overhead street lamps, etc.

14. INVOLVED EMPLOYEES' STATEMENTS

If you obtained statements from the involved employees, include them here. If not, include their account of the incident based on the statements they made in their reports, or in the case of hit shootings, their

interview with homicide investigators.

15. WITNESS STATEMENTS:

Include a summary of all witness statements.

16. SUSPECT/INMATE STATEMENTS:

Include statements made by the suspect to you or to the homicide investigators, in the case of hit shootings. Note if the suspect was impaired, i.e., under the influence of drugs or alcoholic beverages, at the time of the incident.

17. MISCELLANEOUS SECTION:

List any and all information that you and the investigator believe is pertinent to the matter at hand, including crime reports, laboratory receipts, news articles, etc.

• UNIT ORDER #38 - ADMINISTRATIVE INVESTIGATIONS “ TIME FRAMES

PURPOSE OF THIS ORDER:

To establish a timeframe for the submission of administrative matters investigated or reviewed by the Internal Affairs Bureau.

SCOPE:

The investigator is responsible for adhering to the established Bureau timeframes for completing administrative investigations and force/shooting reviews. If an investigator is unable to complete an investigation or review in the established time frame, he/she shall notify their Team Lieutenant of the delay and an estimated date of completion.

TIME FRAMES FOR COMPLETING CASES:

1. 120 calendar days before the expiration of the statute date for administrative investigation cases involving sworn personnel.
2. 240 calendar days from the date of Department knowledge for administrative investigation cases

involving non-sworn personnel.

3. When practical: Shooting/Force Reviews 90 calendar days from the date of the incident. In the case of hit shootings, 90 calendar days from the date of the District Attorney's Letter of Opinion.

DUTIES AND RESPONSIBILITIES:

It is the responsibility of the investigator to make every effort to complete his/her cases in a timely manner to ensure that the interests of both the employee and the Department are met.

• UNIT ORDER #40 - SAVING COMPLETED ADMINISTRATIVE FILES IN DIGITIZED FORMAT

PURPOSE OF THIS DIRECTIVE:

To ensure that all completed administrative investigations maintained by Internal Affairs Bureau are permanently preserved in the Performance Recording and Monitoring System (PRMS) system and on CD ROM and may be easily retrieved. This directive covers the procedures for saving digitized investigations and does not cover procedures for saving the hard paper copy administrative investigations.

RESPONSIBILITY FOR DIGITIZING AND SAVING COMPLETED FILES

The IAB file clerk shall be assigned the responsibility of accurately converting audio and hard copy completed investigations into digital format and attaching the files into PRMS and CD ROM format.

Organizational and functional supervision of the file clerk is assigned to the Administrative Systems Manager I at IAB.

DEFINITION OF A COMPLETED ADMINISTRATIVE INVESTIGATION

A completed administrative investigation is defined as an investigation that has been investigated, adjudicated by appropriate executives, and discipline, if any, has been imposed.

PROCESS FOR SCANNING AND TEMPORARILY SAVING HARD COPY FILES

- All completed administrative investigations received by the IAB file room shall be digitally scanned.
- Double sided documents and photographs which require special procedures for scanning shall be pulled from the investigation and scanned separately.
- All scanned pages shall be in the same order as the original with the exception of photographs and double sided documents which shall be added at the end of the scanned investigation.
- Each page of the digitally scanned investigation shall be viewed on a computer monitor to ensure the conversion is accurate, complete and is a true and accurate copy.
- A temporary file shall be created on IAB Shared files (file server) and labeled with the case number.

- The completed and inspected digitized file shall then be moved into the corresponding file folder on the file server for temporary storage.

PROCESS FOR TRANSFERRING DIGITAL AUDIO FILES OF COMPLETED INVESTIGATIONS

Audio interviews of administrative investigations may be in one of two formats, audio cassette tape and/or in digital format on the Dictaphone file server. All digitized interviews for each investigation shall be transferred to the IAB Shared file folder created with the corresponding case number and houses the temporary digitized hard copy file.

CREATING A CD ROM

- Once the temporary file folder on the file server contains both the digitized hard copy file and all the audio interviews in digital format, the folder may be copied to a CD ROM.
- After the file folder has been copied to the CD ROM, a visual check shall be made to ensure that all of the files were copied correctly and completely copied.
- A CD ROM label shall be made and attached to each ROM listing the Case Number.

ATTACHING PDF FILES TO PRMS

- Once the temporary file folder on the file server contains both the digitized hard copy file and all the audio interviews in digital format, the PDF copy of the case shall be attached in PRMS.

QUALITY CONTROL PROCEDURES

INSPECTION PROCESSES

- Hard copies scanned to digitized format shall be inspected to verify completeness and clarity.
- Individual files copied to CD ROM shall be inspected to verify all files were copied and a random sampling of at least one audio recording shall be made to ensure clarity.
- Individual files copied to the associated case in the PRMS system shall be inspected to verify the audio and digitized case file were successfully attached.

COMPLETE AUDIT VERIFICATION

- 20% of all investigations placed onto the PRMS system and CD ROM will be inspected by the Administrative Systems Manager I or his/designee.
- Such verification shall include opening each audio file in both PRMS and CD ROM and a complete visual inspection of the entire digitized investigation.

PROTOCOLS FOR SAVING FILES ON CD ROM

ARCHIVE CASES

- Cases closed during years 1988 to 1995 shall be copied onto CD ROM in multiple format and shall not include audio recordings.
- Cases shall be combined by calendar year, from the lowest number to the highest.
- More than one CD ROM may be necessary to store cases from one calendar year.

- Each CD ROM shall be numbered and marked in a manner that an archive case may be found.
- A cross reference system shall be made to help determine on which ROM a case is located.
- Cases closed during years 1996 to 2001 shall be copied onto CD ROM in multiple format and shall include audio recordings.
- NOTE: Each case from years 1988 to 2001 shall also be also placed into the PRMS under the corresponding case number.

RECENTLY CLOSED CASES

- A single closed case, including audio, digitized hard copy, and other attachments shall be copied onto a CD ROM with the exception of cases which involve "Failure to Shoot/Qualify" and "Traffic Collisions".
- Cases which involve "Failure to Shoot/Qualify" and "Traffic Collisions" may be placed onto CD ROM in multiple format using the same cross reference system for archive files.

• UNIT ORDER #41 - POWER OUTAGES AND OTHER EMERGENCIES

PURPOSE OF DIRECTIVE:

Electronic equipment could be permanently damaged if not properly shut down during a prolonged power failure. While the Commerce facility has battery back-up for its file servers, the battery life is relatively short and is designed to allow time for the file servers to be properly turned off without damage.

SCOPE:

Primary responsibility for maintenance of the file servers and for turning off the file servers at Commerce facility rests with the Network Administrator assigned to Internal Affairs Bureau (IAB). Secondary responsibility rests with those persons trained to turn off the file server. In the rare instance that no properly trained person is available to turn off the file servers during a power failure, contact any of the Data Systems Bureau domain administrators: Brian Anderson (562) 345-4152, Justin Jereza (562) 345-4170, Christian Hai (626) 400-7718, and Nihal Kuruppu (562) 345-4150.

TURNING OFF ALL ELECTRONIC EQUIPMENT:

It is necessary to turn off all electronic equipment including computers, printers, copiers, and power strips to prevent a power spike when the power is restored. The IAB Captain or Lieutenant shall assign personnel to turn off all electronic equipment which may be affected by a power spike.

NOTIFYING OTHER UNITS USING THE COM 1 FILE SERVER:

The IAB Network Administrator shall notify units sharing the Commerce facility file server (IAB, Advocacy, ICIB, and RMB) that the server will be turned off and advise the units that they should turn off their electronic equipment to prevent damage caused by a power spike when service is restored.

1-800 PHONE LINE:

If a power failure occurs at the Commerce facility during business hours, the "Voice Print" recorder will be turned off and will necessitate that responsibility for the 1-800 phone line be transferred to the Sheriff's Information Bureau (SIB).

The Duty Sergeant shall notify SIB regarding the transfer of the responsibility.

DEPARTMENT OPERATIONS LOG ENTRY:

The IAB Captain shall direct that an OPS log entry be made to advise a power failure has occurred at the facility, its anticipated duration and if any damage occurred. A notification shall also be made to the Department's Operational Center (DOC).

PERSONNEL:

Personnel on a fixed work schedule shall remain at the office until the IAB Captain gives the authorization to leave.

• UNIT ORDER #42 - CENTRAL PROPERTY " PLACING A HOLD ON PROPERTY/EVIDENCE

PURPOSE OF THIS ORDER:

Internal Affairs Bureau (IAB) investigators may occasionally need to place a hold on property being held by the Central Property Unit. Placing a "hold" on property/evidence maintained at Central Property prevents its destruction and triggers a semiannual property status questionnaire to determine if the property should be held beyond the normal destruction date. This directive mandates the responsibilities of the IAB investigator who desires to initiate a hold on property/evidence, or wishes to continue an existing hold placed by another unit.

IAB Investigators shall include the IAB case number on all evidence they wish held by central property

Investigators desiring to place a hold on evidence/property, shall call the Central Property Unit and provide the requested information. A new field on the Property Disposition Sheet was created as an additional reference number, including the IAB case number. Should an Internal Affairs Investigator deem it necessary to continue a "hold" on property that was placed by another unit, it is the investigator's responsibility to contact the Central Property Unit via e-mail notification and to provide the IAB case file number to each item that he/she wishes to be held, and substitute their name as the listed investigator.

Investigators placing a hold on property shall update PRMS

Investigators placing a hold on property shall ensure that Performance Recording and Monitoring System (PRMS) is updated by placing a “yes” to the “Property Held” field under the CASE INFORMATION category. In addition, the investigator shall place a “note” in the PRMS regarding the type of property and the justification for retaining it.

CENTRAL PROPERTY - PLACING A HOLD ON PROPERTY/EVIDENCE

Responsibility for completing the property disposition sheet

The Central Property Unit sends out a Property Disposition Sheet every six months for the purpose of determining if the property may be disposed of.

It is the investigator’s responsibility to complete the disposition sheet and send it back to Central Property. In the event that the requesting investigator has left the bureau, the responsibility of determining whether the property can be disposed of shall rest with the responsible team lieutenant.

• UNIT ORDER #44 - RADIO COMMUNICATION CALL NUMBERS

PURPOSE OF THIS ORDER:

To standardize the use of the radio communication call numbers designated and assigned to the Internal Affairs Bureau for use by the Force/Shooting Team and field investigators.

SCOPE:

The use of recognized radio call numbers for Internal Affairs Investigators is limited to only those Department-approved call numbers designated for our use. It is the responsibility of each investigator to know the unit designator and to use only approved radio call numbers when using a Department radio (MPP 7-02/010.20 Performance Standards & Training Division).

Use of only designated radio call numbers ensures that the Sheriff’s Communication Center recognizes you as an Internal Affairs Investigator in the event of a situation wherein investigators find it necessary to use either an automobile-installed or handheld radio. In the event of an emergency, concentrate on the message to be delivered and if unsure of your call number identify yourself by your unit of assignment or by name. Note: CALL NUMBERS ARE “ADAM SIX.”

DESIGNATED CALL NUMBERS:

Designated call numbers have been assigned to each investigator assigned to a Force/Shooting Team. Investigators not assigned to the Force/Shooting Team shall use the radio call number “**A6S**” for sergeants.

IAB DESIGNATED CALL NUMBERS:

- A6C Unit Commander
- A6L Team Lieutenants
- A6L1-A6L7 Team Lieutenants

- A6S Team Sergeants
 - A6S1-A6S36 Team Sergeants
-

• **UNIT ORDER #46 - SECURING EMPLOYEE ELECTRONIC MAIL**

PURPOSE OF THIS ORDER:

Since the Department's Electronic mail system (email) is a daily source of communication between our employees, information contained in the email system may contain evidence that is important to investigators. To ensure that the evidence is not lost, the investigator should seek to suspend the employee's access to the email system when there are allegations of systems misuse or when the employee becomes the subject of a criminal or administrative investigation wherein securing the email system may have evidentiary value to the investigator.

SCOPE:

To ensure that the evidence is not lost, the investigator or the person taking the notification that an employee is suspected of email abuse or when the employee has been relieved of duty, should notify the Sheriff's Data Network and request that the employee be locked out of the system. During normal business hours, the request should be made to the Data Systems Bureau (DSB) Operations Lieutenant. After hours, the request should be made to the on-call NT administrator, in care of the JDIC Help Desk at (323) 267-2064.

Locking the employee out of the system can be either permanent or temporary based on the focus of the investigation. Locking the subject out of the system will allow Data Systems Bureau to isolate the employee's records before the employee's access rights are restored. Consideration should be given to immediately taking/securing the actual machine the employee was using in case information was saved locally.

DUTIES AND RESPONSIBILITIES:

The Data Systems Network Manager can be notified seven days a week. Normal requests for email information should be sent to the DSB, in care of the Operations Lieutenant, by email or memorandum.

DATA SYSTEMS BUREAU:

Due to the growing demands on the "**server resources**" managed by the DSB, they have instituted a policy to purge employee email that was restored for administrative investigations. Beginning in May 2002, during the first week of each month, DSB will delete any secure folders which were created more than six months prior (e.g. in May, they will delete all folders created before the previous October).

If email is needed for a particular investigation beyond six months from the date of restoration, the investigator is responsible for contacting DSB to request an extension. In that case, the investigator must provide DSB with the identification number of the secured folder(s).

During the last week of each month, DSB will notify the investigator which folders are scheduled for deletion. This will give investigators ample time to determine if there is a continued need for DSB to retain the secured

folders

If an extension is not requested through DSB the information will be purged and the process for retrieval must be reinitiated by the investigator.

• **UNIT ORDER #47 - PORTABLE RADIO ASSIGNMENT AND CONTROL**

PURPOSE OF THIS ORDER:

The purpose of this unit order is to establish procedures concerning the assignment, storage, and responsibilities associated with the care and distribution of portable radios.

OVERVIEW:

The distribution of the Motorola HT1250 portable radios will enable sworn personnel at Internal Affairs Bureau (IAB) to have instantaneous access to emergency communications and assets, if the need arises.

This unit order is in addition to communications policies and regulations outlined in the Manual of Policy & Procedures.

ORDER:

All sworn personnel assigned to IAB will be assigned a Motorola HT1250 portable radio.

The IAB designated radio control person will have the collateral duty to oversee the issuance and deployment of all portable radios issued to Internal Affairs. The designated radio control person will maintain the radio inventory system, specifying the make, model number, serial number, and personnel assignments for each portable radio assigned to the bureau. Any portable radio not specifically assigned to an individual shall be safely stored in the Audio/Video room.

POLICY:

All sworn personnel assigned to IAB will be required to store their assigned radio in a secure location, e.g., desk or overhead cabinet, in the "off" position. Radios shall not be left unattended in the interior of vehicles. If a radio must be left in a vehicle, it shall be locked in the trunk.

It is the responsibility of each individual assigned a portable radio to have his/her assigned radio with them during their working hours, and during their rollout scheduling period.

Motorola HT1250 radios cost the Department approximately \$1,000. All personnel assigned a portable radio shall exercise reasonable and prudent precautions to prevent the loss or theft of their portable radio.

Lost or stolen radios pose a potential officer safety and homeland security risk. In the event of the loss or theft of any Department radio, the concerned person shall immediately (upon realization) report the loss in compliance with Manual of Policies & Procedures section 3-07/010.40.

The Unit Commander has the authority to revoke radio assignment privileges due to negligence by the assigned employee.

During an extended leave, radios shall be collected by the affected person's immediate supervisor and checked into the audio/video room. Long term injuries/illnesses, including absences or vacations exceeding thirty calendar days, are cause to return a radio to the unit.

Sheriff's Communication Center can provide periodic in-service training upon request. Appropriate documentation of such training shall be maintained by the training staff using the APIS roster.

REFERENCE:

For additional information, refer to the following policies pertaining to possession and care of portable radios:

- MPP 3-07/010.10 – Department and FCC Regulations
 - MPP 3-01/040.15 – Care of County Property and Equipment
 - MPP 3-07/010.40 – Lost/Stolen/Damaged Radio Equipment & Accessories
-

• UNIT ORDER #48 - PROCEDURE FOR CALCULATING THE ONE-YEAR STATUTE

Policy:

Within ten (10) days of being assigned a case, the Internal Affairs Bureau (IAB) investigator shall calculate and note in the case file, the one-year statute of limitations date.

Procedure:

The investigator shall use the incident date as the presumptive start date with which to calculate the Peace Officer Bill of Rights' one-year statute of limitations period for completion of administrative investigations (Government Code Section 3304). The "Department notification date" or "Department awareness date" shall no longer be used as the presumptive start date in calculating the one-year statute date.

In cases where the date of discovery of the allegation of misconduct ("Department awareness date") is different from the incident date, it may be unreasonable to use the incident date as the start date to calculate the one-year statute date. The investigator shall discuss the facts of the case with his/her team lieutenant in order to decide whether the incident date or the Department awareness date will be used to determine the one-year statute date. Such consultation shall be noted in the investigative file.

For criminal monitor cases, the investigator shall consult with his/her team lieutenant in order to determine the one-year statute date. Such consultation shall be noted in the investigative file.

Note: The time is tolled from the date that the criminal investigation began to the date that it ended. The ending date is one of the following: 1) the date that the criminal investigating unit or agency closed the investigation (i.e., did not seek a criminal filing); 2) the date of the District Attorney case reject; or 3) the date

of the adjudication of the criminal case in court.

PROCEDURE FOR CALCULATING THE ONE-YEAR STATUTE

In cases where there may be other legal basis for revising the one-year date (e.g., a Subject signed a written waiver of the statute of limitations; the investigation is a multi-jurisdictional investigation; the investigation involves more than one Subject; the investigation involves a Subject who is incapacitated or otherwise unavailable; the Subject is named as a party in related civil litigation; or the investigation involves a workers' compensation fraud allegation [refer to 3304(d) 1 through 8]) and it may be unreasonable to continue to use one-year from the incident date for the one-year deadline, the investigator shall discuss the basis for the revision of the deadline with his/her team lieutenant in recalculating the one-year deadline. Such consultation shall be noted in the investigative file.

Modification of any previously-calculated one-year statute date shall not be undertaken without consultation with, and concurrence of, an IAB lieutenant. Such consultation shall be noted in the investigative file.

Upon calculation of the one-year statute date, the IAB investigator shall ensure that the date is entered into PRMS.

The Internal Affairs Bureau statute date worksheet shall be used to calculate of the one-year statute date.

The investigator shall indicate the incident date and the one-year statute date on the IAB case cover.

Note: Although the one-year statute date shall be calculated for all cases, the one-year statute of limitations period for completion of administrative investigations applies only to sworn subjects.

Disclaimer:

This management directive provides guidance in the formulation of an internal IAB deadline for purposes of case management only and does not establish any individual rights, entitlements, defenses or privileges, and no Sheriff's Department employee may rely on it for any such purpose. It is merely an internal IAB policy, and is not in itself a limitations period, or an interpretation of the law.

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The Internal Affairs Bureau statute date worksheet shall be used to calculate of the one-year statute date.

The investigator shall indicate the incident date and the one-year statute date on the IAB case cover.

Note: Although the one-year statute date shall be calculated for all cases, the one-year statute of limitations period for completion of administrative investigations applies only to sworn subjects.

Disclaimer:

This management directive provides guidance in the formulation of an internal IAB deadline for purposes of case management only and does not establish any individual rights, entitlements, defenses or privileges, and no Sheriff’s Department employee may rely on it for any such purpose. It is merely an internal IAB policy, and is not in itself a limitations period, or an interpretation of the law.

• • **Unit Order #48 - ATTACHMENT**

ONE-YEAR STATUTE DATE CALCULATION

(Management Directive #48)

DATE	EVENT
	Incident
	Department Awareness
	Criminal Investigation E
	Criminal Investigation ended/
	One Year Statute D

Guidelines:

One-year statute date shall be calculated from the incident date.

* In cases where the date discovery of the allegation of misconduct "Department awareness date" is different from the incident date, it may be unreasonable to use the incident date as the start date to calculate the one-year statute date. The investigator shall discuss the facts of the case with his/her team lieutenant in order to decide whether the incident date or the Department awareness date will be used to determine the one-year

statute date.

** The investigator shall discuss the facts of the case with his/her team lieutenant in order to determine the date the criminal investigation began.

*** The ending date is one of the following: 1) the date that the criminal investigating unit or agency closed the investigation (i.e., did not seek a criminal filing); 2) the date of the District Attorney case reject; or 3) the date of the adjudication of the criminal case in court.

• **UNIT ORDER #49 - GATES/JOHNSON SETTLEMENT AGREEMENT**

Background:

In 1991, the Los Angeles County Sheriff's Department (LASD) entered into a settlement agreement with the Association for Los Angeles Deputy Sheriffs (ALADS), as a result of an injunction entered against the Department in Johnson and Gates v. County of Los Angeles. The settlement agreement governs how we conduct administrative investigations when deputies are the subject of a criminal investigation for the same incident.

As of November 13, 2013, the settlement agreement is still in effect.

See the *Second Appellate District Appeal case B238141 (Los Angeles County Superior Court No. BC425156) Association for Los Angeles Deputy Sheriffs vs Leroy Baca et al.*, for the history of the litigation and settlement agreement.

Settlement Agreement Stipulations:

When a deputy is concurrently the subject of a criminal investigation and an administrative investigation arising from the same incident, act, or omission, or has criminal charges pending from an incident, act, or omission which is also the subject of an administration investigation, the Department shall not require or compel said deputy to submit to an interview in that administrative investigation, until one of the following occurs:

1. The LASD, or other law enforcement agency with jurisdiction over the criminal offense, determines that criminal charges will not be sought against said deputy. LASD's determination that criminal charges will not be sought against said deputy is irrevocable at the point said deputy is compelled to submit to administrative interrogation.
2. The prosecuting attorney's office rejects (declines to file) a criminal complaint against said deputy.
3. Said deputy is arraigned on the criminal charges.
4. Said deputy requests a continuance on the criminal charge(s).

Policy:

IAB investigators shall comply with the settlement agreement in cases involving Subjects who are the rank of deputy. The settlement agreement does not apply to sworn personnel of other ranks or to non-sworn personnel. IAB investigators shall consult with their team lieutenant, IAB Captain, and/or the Advocacy Unit if

they have any questions about this settlement agreement. They shall also consult with their team lieutenant, IAB captain, and/or the Advocacy Unit regarding how and when to proceed in the administrative investigation when the Subject is a sworn rank other than deputy, or is non-sworn.

Procedure:

IAB investigators shall abide by the following for each criteria:

1. If criminal charges are not sought by the investigating law enforcement agency, then the investigator shall provide the Subject with the memo from the Internal Investigations Division commander, to the Subject's chief indicating that the criminal case by the Internal Criminal Investigation Bureau is closed. If the criminal investigation was handled by another law enforcement agency, then the investigator shall verbally advise the Subject of the date that the criminal case was closed. The investigator shall document that date in the case file.
2. If the criminal case is rejected by the prosecuting attorney's office, then the investigator shall provide the Subject with a copy of the District Attorney (DA) reject form.

Note: For hit shootings, the investigator shall provide the Subject with a copy of the DA letter of opinion.

1. If the deputy is arraigned or if the deputy requests a continuance, then the investigator shall consult with his team lieutenant and/or the Advocacy Unit before interviewing the Subject and/or proceeding with the administrative investigation while the criminal case is still being adjudicated in the criminal arena. This will depend on the case and whether or not the incident is being investigated by the Sheriff's Department or another law enforcement agency.

• **UNIT ORDER #50 - ROLL OUTS INVOLVING INMATE DEATHS**

PURPOSE OF THIS ORDER:

This directive establishes procedures for Internal Affairs Bureau (IAB) Roll-Out team investigators to follow regarding an Inmate Death (natural, accidental, homicide, or suicide).

POLICY:

When the IAB On-Call Lieutenant is notified of an inmate's death, he/she shall confirm that Homicide Bureau is responding. IAB personnel will only respond if Homicide responds. The IAB Lieutenant shall evaluate the information, determine the appropriate makeup of the responding team, and ensure that those personnel are notified.

Homicide Bureau is the primary investigating unit and is responsible for the criminal and/or death investigation of those inmate deaths to which they respond. At the scene, Homicide Bureau is responsible for sharing preliminary information with the IAB team in the forum of an informational briefing, including a walk-through of the scene.

IAB is responsible for conducting a preliminary administrative review of those inmate deaths to which they respond and complete a brief memorandum addressed to the Division Chief.

If it is determined that there are potential policy violations, the IAB Lieutenant will confer with the concerned Unit Commander about initiating an immediate administrative investigation.

If the concerned Unit Commander requests an immediate administrative investigation, the IAB Lieutenant will consult with the Homicide Lieutenant about the investigation and the need for IAB investigators to interview witnesses, and/or involved employees. Any interviews conducted by the IAB investigators shall be conducted separately after Homicide Bureau's interviews. Based on the Homicide Lieutenant's decision, if interviewing a witness or involved employee by the IAB investigator would jeopardize the criminal/death investigation, that interview will be deferred until a later date.

Note: The statute date for all inmate deaths will be calculated based on the date of the incident. The only exception to this is in cases where the Homicide Bureau investigates the death as a criminal investigation. That one-year statute date will be calculated using the date of the District Attorney's Letter of Opinion,

IAB investigators shall confer with the Homicide investigators before conducting the later interview(s).

Note: If there is a need for the scene to be maintained for the IAB investigators after the Homicide investigators have completed processing the scene for their investigation, the IAB Lieutenant shall consult with the Homicide Lieutenant about turning the scene over to the IAB investigators when Homicide is done.

If an immediate administrative investigation is initiated, the handling IAB investigator will be responsible for obtaining an IV number and ensuring that the request for an IAB investigation memo is obtained from the concerned Unit Commander. All administrative investigations shall include Homicide Bureau's completed investigation.

If **no** potential policy violations are identified, the IAB Lieutenant shall notify the concerned Unit Commander, who will be advised that no policy issues were identified and an administrative investigation is not warranted at that time. If documents were collected and/or interviews conducted during the administrative review, the entire package shall be forwarded to Custody Support Services for their disposition.

• UNNIT ORDER #51 - CRIMINAL MONITOR CASES-INTERNAL CRIMINAL INVESTIGATIONS AND OUTSIDE AGENCIES CRIMINAL INVESTIGATION OF DEPARTMENT MEMBERS

PURPOSE OF THIS DIRECTIVE:

To establish a Bureau standard for the handling of criminal monitors of criminal investigations conducted by the Internal Criminal Investigations Bureau (ICIB) and outside law enforcement agencies.

SCOPE:

This Unit Order applies to criminal monitors of ICIB investigations as well as outside law enforcement agencies conducting criminal investigations involving department personnel.

PROCEDURES:

Upon receiving the criminal monitor the IAB investigators shall obtain all police reports and related documents, including any protective orders.

The IAB investigator must quickly determine if the protective order prohibits the employee from possessing a firearm, and if so the duration of the protective order and any modifications to it.

The investigator will contact the criminal investigator and receive periodic updates regarding the status of the investigation (e.g. case closed, case at the district attorney for filing consideration, case rejected, case filed).

Note: If the case is filed by the District Attorney or City Attorney obtain a copy of the criminal complaint filed by the DA/CA. If the case filed is a Felony, a certified complaint must be obtained in order to serve the employee with an 18.01 letter. If misdemeanor charges are filed an 18.01 letter may also be served if there is a job nexus.

The ICIB case will be returned to the concerned unit for their disposition. Note: This option is available for use in those rare cases in which ICIB closed the investigation because there was insufficient evidence of a crime and there did not appear to be any policy violations.

ICIB will prepare and send a memorandum from the Internal Investigations Division Commander (who oversees IAB and ICIB) to the concerned Division Chief advising him or her of the case handling determination, as outlined above.

GOALS:

The goals of this directive are:

- To ensure that all ICIB criminal investigations of Department members are documented and tracked in PRMS; and,
- To document the process of handling the case once the criminal matter has been completed.

• UNIT ORDER #52 - RANDOM DRUG TESTING PROGRAM PROCEDURES

PURPOSE AND SCOPE OF THIS DIRECTIVE:

To establish procedures regarding Internal Affairs Bureau's (IAB) investigative and administrative responsibilities in the event of a positive drug test administered through the Random Drug Testing Program.

BACKGROUND:

The Sheriff's Department Random Drug Testing Program is governed by Memoranda of Understanding (MOU) between the Department, the Association for Los Angeles Deputy Sheriffs (ALADS), and the Professional Peace Officers Association (PPOA). It was originally implemented on September 1, 1990, and involves sworn department members and a few professional staff who are assigned to the Crime Lab.

The Random Drug Testing Unit administers the Random Drug Testing Program. The day to day coordination and operation (specimen collection) of the unit are assigned to the Risk Management Bureau (RMB), which is supervised by a commander assigned to the Professional Standards Division (PSD). In addition, the PSD Commander has the responsibility as the Sheriff's Department Drug Abuse Program Director.

DUTIES AND RESPONSIBILITIES:

When the Medical Review Officer reviews a positive laboratory test, he or she may need to consult with the test subject to immediately verify the subject's statements concerning the results of that test. IAB is designated as the investigative unit to assist in that regard. The Medical Review Officer shall convey his or her informational needs to IAB investigators through the PSD Commander. Information obtained by IAB for the Medical Review Officer shall be reported back to the PSD Commander, who in turn will relay the information to the Medical Review Officer.

In the event of a positive drug test, the IAB has a two-phase responsibility for the Random Drug Testing Program.

Phase 1: IAB shall be available to provide administrative investigative assistance to RMB's Random Drug Testing Unit.

Concurrently, the PSD Commander/Drug Abuse Program Director will consult with the Department's Medical Review Officer in order to determine if further administrative action is warranted. An IAB file number **shall not** be assigned to the case during this initial phase.

Phase 2: This phase will be initiated by the decision of the PSD Commander, to report a positive drug test to a test subject's Division Chief (or higher). At that time, the PSD Commander shall request IAB to concurrently relieve the test subject of duty with pay, and to initiate an immediate administrative investigation.

Note: In the event a test subject refuses to take a drug test or is unable to provide a specimen for the test, the refusal is procedurally treated as a positive test and the PSD Commander will request IAB to concurrently relieve the test subject of duty and to initiate an immediate administrative investigation.

When IAB is tasked with relieving a test subject of duty, IAB's on-duty roll-out Team Lieutenant shall cause an IAB file number to be issued and the case to be assigned to an investigator.

DOCUMENTS FURNISHED TO RELIEVED OF DUTY EMPLOYEES:

Whenever IAB personnel relieve a test subject of duty at the direction of the Commander, they shall furnish the test subject with the following documents:

1. A copy of the Laboratory Report (as specified in Part V, Section F of the Random Drug Testing Program, amendment to MOU);
2. The Medical Review Officer's written report; and,
3. A written notice of his or her right to have the second urine sample independently tested and reviewed by an independent Medical Review Officer.

The documents may be obtained by request from the PSD Commander/Program Director, who will have access to the documents from the Medical Review Officer.

IAB UNIT COMMANDER UPDATE:

Although IAB investigators may be dealing with several Department executives and may receive conflicting directions, it is incumbent upon each investigator to keep the IAB unit commander and/or the handling Team Lieutenant up-to-date on the events as they unfold.

INVESTIGATIVE DELAYS:

Most of the specifics of the Random Drug Testing Program are covered in amendments to the current PPOA and ALADS MOU's. The MOU's provide for additional independent laboratory testing, and for additional review and specimen testing by an independent Medical Review Officer.

Generally, laboratory testing and the results of positive tests are available to the PSD Commander/Program Director within five (5) business days from the collection of the sample. However, laboratory retesting and independent Medical Review Officer reviews may delay the availability of the results, thereby delaying the timely completion of the investigation. A reasonable time deemed for this retesting process to occur is 30-days. The progress of all cases delayed beyond 30-days shall be reported by the IAB investigator via memorandum to the Unit Commander and/or the handling roll-out Lieutenant at the 30-day mark. Additionally, the case status shall be updated in writing by the investigator every 14 days thereafter.

ASSEMBLY AND ROUTING OF THE INVESTIGATIVE PACKAGE:

The investigative package shall be assembled in a manner identical to any other IAB investigation with the exception that there shall be no interviews

On many occasions, the accumulated scientific evidence and medical reports are enough to submit the case without conducting an interview of the subject. The decision to conduct an interview will be made on a case by case basis.

Completed investigations shall be routed for review within IAB in a manner consistent with other IAB investigations. However, once approved by the IAB investigator's Lieutenant, the case file shall be routed directly to the test subject's Division Chief, and not the test subject's Unit Commander as is normally done.

• UNIT ORDER #53 - PERSONS INJURED BY GUNFIRE AT DEPARTMENT WEAPONS RANGE

PURPOSE OF THIS ORDER:

To establish a Bureau standard for the handling of incidents in which someone is injured by gunfire at a Sheriff's Department range.

SCOPE:

When a person is accidentally injured by gunfire at a Department range and the employee is seriously injured requiring the employee to be admitted to a hospital, the Internal Affairs Bureau (IAB) force/shooting team will handle according to the "non-hit shooting" protocol.

If the injury is not serious, the investigation will be completed by the Weapons Training Staff.

• UNIT ORDER #54 - SERGEANT DISCLOSURE OF INTERNAL AFFAIRS BUREAU INVESTIGATIVE DOCUMENTS AND MATERIALS

To establish procedures regarding Internal Affairs Bureau's (IAB) responsibilities in providing investigative case file documents and/or materials to a Subject 1) prior to the Subject's first interview with IAB investigators; 2) prior to a subsequent interview with IAB investigators; and 3) when the Letter of Intent has been served.

Prior to First Interview:

There is no affirmative duty for IAB to disclose crucial information to a Subject that would be contrary to or compromise sound investigative practices. However, the Subject of an administrative investigation may be provided with the following documents and/or materials upon request:

1. The written request for the administrative investigation.
2. Any reports, logs, memos and/or other documents that were written by the Subject.
3. If the case was initially a criminal investigation by the Sheriff's Department Internal Criminal Investigations Bureau (ICIB), then any interview(s) of the Subject by ICIB investigators (copy of the audio recording(s), supplementary report, and/or transcription of the interview).
 - a. If the criminal investigation was conducted by an outside law enforcement agency and the Subject was interviewed by that agency, it is not necessary to provide that interview.
4. Copy of the face page of the District Attorney (DA) case reject form only if a Sheriff's Department (ICIB) criminal case.
 - a. No copy provided if an outside law enforcement agency criminal investigation.
5. Copy of the DA's Letter of Opinion on hit shooting cases.

The Subject is **not** entitled to any of the following documents and/or materials:

1. Documents and/or reports written by someone else.
 2. The statements, written and/or recorded, of any other person(s) interviewed.
-

3. Crime reports and related documents.

1. The Subject **may** or **may not** be entitled to Supervisory Inquiry memoranda.

If memo is relevant and pertinent to the case and not just made part of the case as a routine collection, then the memo should not be released because it may compromise the investigation.

- a. Sometimes these memos contain statements made by the Subject during the supervisory inquiry. If a decision is made to provide the memo to the Subject, then any witness statements and other information must be first redacted from the memo. Note: Consult with Team Lieutenant before providing the memo.

2. If a memo is not pertinent to the investigation, then it may be released, subject to the Department's discretion.

Any exceptions to the above must be approved by the IAB Team Lieutenant or the IAB Unit Commander.

Prior to Subsequent Interview:

- A copy of the previous interview with IAB investigators (audio recording and transcription).
- The subject is entitled to any reports and complaints (Watch Commander Service Comment Report), except that which would compromise the investigation by providing it prior to the interview. Santa Ana Police Officers Association v. City of Santa Ana, 2017 WL 2879796 (2017). Note: Consult with Team Lieutenant and an Advocacy Unit attorney prior to releasing.

When the Letter of Intent Has Been Served:

When the Letter of Intent has been served, the Subject is entitled to a grievance or Skelly hearing with his Division Chief. The Subject is entitled to a copy of the following documents and/or materials:

- All documents and/or materials that are part of the closed case file and that were used to decide the intended discipline.

The Subject is **not** entitled to the following documents and materials:

1. Investigator's "raw notes."
2. Documents and/or materials that are not part of the case file and were not used to decide the intended discipline.

• UNIT ORDER #55 - PROTOCOL FOR SCHEDULING INTERVIEWS WITH LASPA MEMBERS

PURPOSE OF THIS DIRECTIVE:

To establish a new protocol for scheduling Subject interviews with LASPA members.

SCOPE:

This new protocol applies only to LASPA members.

PROCEDURE:

- The investigator shall contact the Subject and identify three proposed dates, over a period of 10 business days, wherein the interview will take place.
- The investigator shall advise the Subject to inform his representative of the three proposed dates and to report back to the investigator within two business days with the date that has been selected.
- The investigator shall inform the LASPA office of the three proposed dates. The LASPA office will ensure that the Subject contacts his representative and reports back to the investigator within two business days with the selected date.
- When the Subject reports back to the investigator with the selected interview date, the investigator shall inform the Subject that the interview will take place on the selected date, that it will not be canceled, and that the Subject may want to have an alternate representative available in case his chosen representative becomes unavailable.
- The investigator shall document these contacts with the Subject and the LASPA office in their activity log.

Note: If the investigator is contacted by the Subject's representative to discuss scheduling of the interview, the investigator shall inform the representative that the investigator will only discuss the scheduling of interviews with the Subject.

• UNIT ORDER #56 - HANDLING OF SUBJECTS WHO ARE RELIEVED OF DUTY AND/OR SUSPENDED WITHOUT PAY BEHIND CRIMINAL INVESTIGATIONS

PURPOSE OF THIS DIRECTIVE:

To ensure that Department executives are provided with current information about relieved of duty personnel under criminal investigation by either Internal Criminal Investigations Bureau (ICIB) or outside law enforcement agencies.

SCOPE:

This Unit Order applies to investigators who are assigned a criminal monitor of a Subject employee who is relieved of duty and/or has been suspended without pay as a result of being under a criminal investigation by either ICIB or an outside law enforcement agency.

PROCEDURE:

Investigators shall provide the concerned Internal Affairs Bureau Operations Assistant II with an update of the criminal investigation (such as the next court date, etc.) no later than the FIRST and THIRD Monday of each month. This information is necessary for the "Relieved of Duty" report that is prepared for the executives the

first and third Thursday of every month, and for the monthly "Relieved of Duty" briefing with the Undersheriff.

• **UNIT ORDER #57 - PRESENTATION OUTLINE FOR EXECUTIVE FORCE REVIEW COMMITTEE MEETINGS**

PURPOSE OF THIS DIRECTIVE:

To standardize the presentations of force and shooting investigations presented to the Executive Force Review Committee (EFRC).

SCOPE:

This Unit Order applies to investigators who present cases to the Executive Force Review Committee.

PROCEDURE:

Investigators shall follow the attached outline when presenting a case to the committee (see attachment). Investigators will dress in business attire with tie and jacket for male investigators. A pre-presentation run through will be done with the team lieutenant and unit commander (when available) prior to the presentation to the committee.

When an investigator has a force or shooting case that has been made an administrative investigation and the investigator is going to re-present the case to the EFRC, the investigator shall follow this modified outline:

- inform the panel that you have returned to present the information from the administrative investigation;
- briefly describe the incident (to refresh their memory);
- state the issues that they wanted addressed in the administrative investigation;
- identify the Subject(s) and the allegations against each Subject;
- relate what the investigation revealed for each allegation for each Subject.

Investigators should also follow this modified outline when re-presenting a case in which the panel just asked for follow-up investigation to be done.

• **UNIT ORDER #58 - CRIMINAL MONITORS**

PURPOSE OF THIS DIRECTIVE:

To inform IAB investigators of their responsibilities relating to criminal investigations they have been assigned to monitor.

SCOPE:

This Unit Order applies to criminal monitors of ICIB investigations as well as outside agency criminal investigations.

PROCEDURES:

The assigned IAB investigator shall:

- Obtain all police reports and related documents, including any protective orders;
Note: it is imperative that the IAB investigator quickly determine whether or not a protective order prohibits the employee from possessing a firearm (because the employee then must be relieved of duty), and if so, the duration of the protective order and any modifications to it (sometimes the employee is able to have the firearm restriction lifted so that the employee can return to full duty status and carry his firearm at work)
- contact the criminal investigator at the outset and then periodically for updates regarding the status of the investigation (e.g., closed by the investigating agency, sent to the DA for filing consideration; DA reject; DA filed the case). If the case is filed by the DA (or City Attorney), the IAB investigator shall:
 - obtain a copy of the criminal complaint filed by the DA/CA (Note: if felony charges are filed, a certified complaint must be obtained in order to serve the employee with an 18.01 letter. If misdemeanor charges are filed, an 18.01 letter may also be served if there is a job nexus)
 - contact the DA and court for periodic updates regarding the status of the case (continuances, etc.)
 - obtain a certified minute order after the case has been adjudicated in court
- be thoroughly familiar with all aspects of the criminal investigation and its progress through the criminal justice system;
- periodically update his team lieutenant with the status of the criminal investigation.

When the criminal case has been completed (either closed by the investigating agency, DA reject, or the case was adjudicated in court), the case will be sent to the employee's Unit of assignment for a unit-level administrative investigation or administrative review.

DUI arrests:

Persons arrested for drunk driving must surrender their driver's license to the arresting officer. The person is provided with an interim license to drive for thirty days, during which time the person may schedule a DMV hearing in order to obtain a restricted license in order to drive to and from work. The employee's Unit is responsible for checking DMV records to ensure that the employee's license is not suspended/revoked

• UNIT ORDER #59 - INTERVIEW OF SHOOTERS IN HIT SHOOTINGS

PURPOSE OF THIS ORDER:

To provide Internal Affairs Bureau (IAB) investigators and Team Lieutenants with the reasons why it may be necessary for IAB to also interview shooters in hit shootings in order to ensure that the IAB shooting investigation is thorough.

SCOPE:

This Unit Order applies to all hit shootings.

DISCUSSION:

Homicide Bureau investigators interview the shooters but their focus is different than ours. In addition, IAB investigators do not sit in on those interviews.

The Executive Force Review Committee (EFRC) not only determines whether or not the shooting itself was within policy, it also determines whether the shooter's actions (tactics, foot pursuit, etc.) complied with Department policy and are consistent with training. In addition, the EFRC evaluates equipment and assesses an incident for risk management purposes. The scope of Homicide's interview is narrow and usually does not cover these issues.

In the event the decision is made to interview the shooter, the purpose of the IAB interview will be solely to address the tactical and policy concerns which will be reviewed by the EFRC. The IAB investigator will refrain from asking the shooter about the entire incident, i.e., "Tell me what happened?" After reviewing the Homicide interview, the IAB investigator should use "surgical" questions to clarify any specific tactical or policy related question which may assist the EFRC in making their decision regarding the use-of-force.

POLICY:

It shall be IAB policy for the IAB investigator to interview the shooter in a hit shooting, only when needed to clarify tactical or policy issues. If the IAB investigator thinks that an interview is necessary, he/she must discuss it with his/her Team Lieutenant.

In the event the decision is made to interview the shooter, the shooter will be provided with a transcription of the Homicide interview prior to the IAB interview.

PROCEDURE:

In the event the shooter is interviewed, the following is a list of issues that the IAB interview should address (not all issues apply to every shooting). Note: these issues shall also be addressed in interviews of shooters in non-hit shootings.

- state of mind (should be addressed in Homicide's interview; if not, it needs to be addressed in IAB's interview)
- tactics (prior, during, & after the shooting) - explanation for the tactics used
- whether other force options were considered (keeping in mind that it is not necessary to use lesser alternatives or exhaust other options before using deadly force)

- distances
- times
- lighting
- weather
- visibility
- cover/concealment
- containment
- cross fire
- shooting backdrop
- target acquisition
- fire discipline
- field of fire
- designated shooter
- independent action
- foot pursuit
- vehicle pursuit
- communication
- partner splitting
- danger area
- kill zone
- cover fire

In the event the shooter is interviewed, the IAB investigator shall:

- listen to Homicide's taped interview of the shooter prior to interviewing the shooter and keep questions focused on specific areas which relate to tactics and policy.
- either summarize Homicide's interview for IAB's investigative summary or refer the reader to the pages in Homicide's shooting book that contains the supplemental report of Homicide's interview of the shooter if the supplemental report is an accurate account of the taped interview.
- include a summary of the IAB interview of the shooter in the investigative summary.

Transcriptions of both Homicide's interview and IAB's interview of the shooter shall be included in every case.

• UNIT ORDER #60 - SHOWING OF A VIDEO TO THE INVOLVED EMPLOYEE DURING A FORCE/SHOOTING INVESTIGATION

PURPOSE OF THIS ORDER:

The goal of the Internal Affairs Bureau (IAB) is to conduct fair, impartial, and comprehensive investigations. In order to accomplish this goal, it is necessary for the investigator to work back and forth between the evidence and the statements provided by the involved employees and witnesses in order to produce the most accurate

picture of what occurred.

The possibility that an incident may have been captured on video is becoming more frequent. This has required IAB to implement a directive as to when available video will be shown to the involved employee.

Directive:

It is the IAB directive that a video will not be shown to the involved employee prior to the involved employee's interview. The Department's Use-of-Force Policy section 3-10/115.00, Video Review and Admonishment, takes precedence if there is any conflict between this directive and Department policy.

Procedure:

The IAB investigator will:

- Inform the involved employee that there is a video of the incident and that the employee will be allowed to view the video after first being interviewed.
- Interview the involved employee. If the involved employee or his/her representative objects and states that the involved employee is not going to submit to an interview until after he/she views the video, then order the involved employee to submit to an interview or may be subject to insubordination. Note: for hit shootings, if the involved employee has already been interviewed by Homicide Bureau detectives, then skip this step.
- Read the Department Video Admonishment, M.P.P. section 3-10/115.00 on record to the subject or witness (see attachment).
- Show the involved employee the video. Indicate on tape that the audio recording of the interview is going to be turned off while the video is being shown. Stay in the room with the involved employee and his representative while they view the video. It is all right if the involved employee wants to take a break after viewing the video.
- Go back on tape and allow the involved employee to provide additional comments, address any differences, discrepancies or omissions, and/or respond to any follow-up questions that you may have. Note: for hit shootings, interview the involved employee.
- In those cases when the involved employee has already documented their actions in a report or memorandum, he/she may request to document any differences in a report, as noted in M.P.P. section 3-10/115.00. Advise them to provide an explanation during the remainder of the interview, in lieu of providing a report. However, if the involved employee continues to express their desire to note the differences in a report, allow it. The report or memorandum should be completed and provided to you. Any new written documentation shall be provided to Homicide Bureau if applicable.

Reasoning:

This policy recognizes both the importance of obtaining a "pure" statement from the employee and the value that a video may serve in helping to refresh an employee's memory so he/she can provide a fuller account of the incident. This policy may assist the Department in obtaining a more thorough representation of what occurred so that the employee's actions can be properly evaluated and assessed.

• • **UNIT ORDER #60 - Attachment**

UNIT ORDER #60

(Attachment)

The IAB investigator shall read the following Department Video Admonishment, on tape, to the involved employee prior to showing a video recording:

VIDEO ADMONISHMENT

M.P.P. SECTION 3-10/115.00 VIDEO REVIEW AND ADMONISHMENT

You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.

The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.

This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.

Additional admonishment to personnel involved in recorded incident:

If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.

IAB Investigator Statement: "Any differences between the video and what you recall should be described by you during this interview."

• **UNIT ORDER #61 - SUBJECT OR WITNESS OF AN ADMINISTRATIVE INVESTIGATION**

PURPOSE OF THIS ORDER:

This directive is intended to provide Internal Affairs Bureau (IAB) investigators with guidance on how to proceed when questioning subjects or witnesses when video evidence is relevant to an incident under investigation.

Directive:

Subjects and witnesses are not entitled to pre-interview discovery, therefore, when video evidence exists, it will not be shown, nor its existence disclosed to a subject or witness prior to their administrative interview.

Procedure:

When video evidence exists, the IAB investigator will:

- Interview the subject or witness and obtain a thorough and complete statement. If the subject, his representative, or witness asks about the existence of video evidence prior to the interview, advise them they are not entitled to pre-interview discovery and remind them they are expected to tell the truth whether or not it exists.
- Read the Department Video Admonishment, M.P.P. section 3-10/115.00 on record to the subject or witness (see attachment).
- Indicate on record that the audio recorder will be turned off
- temporarily while the video is being shown, note the start time of the video and then show the subject or witness the video. Stay in the room while the video is viewed.
- Go back on record, starting the audio recorder, indicating the stop time of the video and allow the subject or witness to provide additional comments, address any differences, discrepancies or omissions, and/or respond to any follow-up questions. If a break is taken after the video is viewed, so indicate on record and note the length of the break.

• UNIT ORDER #62 - FORCE AND SHOOTING PERFORMANCE RECORDING AND MONITORING SYSTEM (PRMS) DATA ENTRY

PURPOSE OF THIS ORDER:

The purpose of this Unit Order is to ensure that all Internal Affairs Bureau rollouts for shooting or force reviews are properly documented in the Performance Recording and Monitoring System (PRMS) Profile Report. This will greatly enhance the bureau's ability to respond to statistical inquiries regarding our activities by Department executives, or other entities requesting information through the Freedom of Information Act (FIA).

Policy:

It will be the responsibility of the assigned PRMS entry professional staff member to accurately complete all required fields in PRMS. The sergeant investigator and Team Lieutenant shall be responsible for checking that the information entered into PRMS is current and accurate.

Procedure:

- Subsequent to a shooting or force rollout, the lead investigator will complete a "Skeleton" 438 form, providing the person assigned to PRMS data entry the essential information needed to complete the PDE entry. The PRMS data entry person will provide the lead investigator with an SH or FO number.
- Hit and Non-Hit Shootings-upon receipt of the Homicide memorandum or completion of the IAB rollout

memorandum, a revised 438 shall be submitted to the professional staff member responsible for PRMS entries. The revised form should contain all the pertinent shooting information required for PRMS entry, e.g., involved personnel, number of shots fired, weapons used, and all other known information. A note shall be placed in PRMS by the person updating the information.

- When the Shooting or Force review is completed, the investigator will submit the case to their team lieutenant for review and approval.
 - Once the case is approved, the team lieutenant will submit the case to the professional staff member assigned to PRMS data entry.
 - The professional staff member assigned to PRMS data entry will photocopy the final 438, process the case, and give the case to the Operations Lieutenant for review. The photocopy of the 438 will then be given to the respective team lieutenant who will verify the PRMS data entry is correct. If there are any discrepancies, the team lieutenant will be responsible for ensuring the PRMS data entry is completed properly. A note in PRMS will be created by the responsible team lieutenant indicating the audit was completed.
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• **UNIT ORDER #63 - BUREAU SECURITY**

PURPOSE OF THIS ORDER:

To ensure we protect the sensitive and confidential information entrusted to Professional Standards Division, we must diligently work to ensure the Bureau is secure

SCOPE:

- The following security measures will be followed when dealing with visitors to the bureau: All visitors to Internal Affairs Bureau (IAB) shall check in with the receptionist prior to entering the Bureau. This shall be done by signing in on the Bureau visitor's log. If you have interviews scheduled or expect visitors, please advise the receptionist. When your guest or interviewees arrive the receptionist will call you to the lobby where you will meet them. Individuals not assigned to the Bureau will not be allowed to walk through the Bureau unescorted.
 - Advocacy and personnel assigned to the Division will be the only units in the Commerce facility exempt from this rule as they have daily business in the Bureau which requires unfettered access.
 - If you meet with a visitor in your office or cubicle, you will personally escort them back to the lobby (not the back door).
 - If you see individuals who are not assigned to the bureau walking our halls, stop them and inquire if they need assistance. If they are unescorted, escort them to their destination and ensure that someone is there to receive them.
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• **UNIT ORDER #64 - HOSPITALIZATION RESULTING FROM A CANINE BITE**

PURPOSE OF THIS ORDER:

To establish procedures regarding hospitalization resulting from a Canine Services Detail (CSD) dog bite.

POLICY:

When a suspect is hospitalized as a result of a CSD dog bite, the force review will be conducted by the CSD Sergeant. If there are other required mandatory notification circumstances, such as a deliberate head strike with an impact weapon, then the CSD Sergeant will make an immediate verbal notification to the on-call Internal Affairs Bureau (IAB) Lieutenant. The CSD Sergeant will provide the details of the incident and any injuries. The IAB Lieutenant will then determine if a Force/Shooting team response is appropriate.

Canine bites that require medical treatment, but not hospitalization, *do not* require a verbal notification, but will be documented by the CSD Sergeant in the memorandum and sent to the on-call IAB Lieutenant.

If a Force/Shooting team responds and conducts the review of the canine deployment and dog bite, the force will be reviewed by the Special Enforcement Bureau K-9 Executive Force Review Committee panel.

Refer to Field Operations Directive 86-37, for further information regarding canine deployment, search and force.

• **UNIT ORDER #65 - PROTECTED HEALTH INFORMATION**

PURPOSE OF THIS ORDER:

It is the Internal Affairs Bureau (IAB) policy that all completed investigations that include Protected Health Information have an admonition. In every case, consideration should be given to whether it is always necessary to include this information in a case file.

Procedure:

The following admonition is to be placed on the front cover of the administrative file as well as directly in front of the medical documentation placed in the file:

“The file may contain Protected Health Information. Any such information is subject to State and/or Federal privacy laws, and may not be disseminated to anyone unauthorized to possess the information or used by anyone for an unauthorized purpose. The unauthorized use or disclosure of Protected Health Information may result in civil and/or criminal penalties.”

Reasoning:

Inmate medical records may not be shared without the inmate's written authorization, unless sharing is otherwise allowed for by law or regulation; or is necessary for the protection of the welfare of the inmate or others; or is necessary for management of the jail or maintenance of jail security. When placing Protected Health Information in an administrative file, consideration shall be given to limiting requests for information to the minimum necessary to accomplish the intended purpose of the request.

Consideration should be given to whether it is always necessary to include all the medical information

obtained in the file when it's provided to the unit of origin, the Executive Force Review Panel, or the Office of Independent Review. When practical to do so, separate the generalized medical information, leaving in only the information directly pertinent to extent of injuries, cause of death, etc. The balance of the information should be placed in a sealed envelope inside the completed administrative file.

Other Department, Division, Bureau or Unit Policies and/or orders may apply to this Order which may include but are not limited to:

Custody Division Manual section 4-12-000.00 - Medical/Mental Health Records.

• **UNIT ORDER #66 - CASE REVIEW PREPARATION PROCEDURES**

PURPOSE OF THIS ORDER:

To give a clear understanding of how cases will be routed. In order to complete this goal, it is imperative that Case Review preparation procedures be put in place to ensure the cases are properly handled.

INTERNAL AFFAIRS BUREAU (IAB) Case Procedure:

- IAB case completed.
- Case reviewed by IAB Captain to ensure case is complete.
- Case is scheduled for Case Review. Memorandums are sent to the concerned unit(s)/Division(s).
- Case is scanned, CD's for Case Review commanders and a hard copy for Internal Investigations Division Commander are made. Case is uploaded to 1-COMM and attached to PRMS the same day.
- IAB sends the original case to the unit and hand carries a copy to the Advocacy Unit.
- Unit returns original case to IAB with signed disposition and charges to be scanned and uploaded. Original case is hand carried to the Advocacy Unit for Case Review.
- Unit level case is received at IAB.
- Unit level case is reviewed by IAB Captain to ensure case is complete.
- Case is scheduled for Case Review and hand carried to the Advocacy Unit.
- Advocacy Unit processes the case and returns the case to IAB.
- Case is scanned, CD's for Case Review Commanders and hard copy for Internal Investigations Division Commander are made. Case is uploaded to 1-COMM Shared Files and attached to PRMS the same day.
- Original case is returned to the Advocacy Unit for Case Review

Note: Any exceptions to this policy must be approved by the IAB Captain.

• **UNIT ORDER #67 - UNIT NOTIFICATIONS**

PURPOSE OF THIS DIRECTIVE:

The On-Call Internal Affairs Bureau (IAB) Lieutenant has the responsibility of receiving verbal notifications from

Department Watch Commanders, for use-of-force situations meeting the specified criteria, as directed under the Use-of-Force Policy, Manual of Policy and Procedures, 03-10/110.00. The On-Call Lieutenant shall discern whether the response of an IAB Force/Shooting Response Team is appropriate and notify the appropriate Department personnel of the IAB Force/Shooting Team response.

PROCEDURES:

Upon activating an IAB Force/Shooting Response Team, the On-Call Lieutenant shall immediately send an email to the IAB Mandatory Notification email group, Professional Standards Division (PSD) Chief and Division Commanders, stating the nature of the response, the name of the involved unit, and the names of the IAB personnel responding.

In all situations where the IAB Force/Shooting Team is activated, i.e., deputy-involved-shootings (hit and non-hit), inmate deaths (including suicides), and use-of-force incidents meeting the response criteria, the On-Call Lieutenant will immediately notify the on-call representative from the Office of Inspector General and the on-call Constitutional Policing Advisor, who will make an independent determination as to whether they will respond.

In cases where deputy-involved-shootings occur, send an email to the IAB LT group, the PSD Chief, and the PSD Commanders, indicating whether the employee has been involved in prior shootings as soon as possible.

When notified a Department employee has been arrested, an email shall be sent to the IAB LT email group, the PSD Chief, and the PSD Commanders, describing the circumstances. Instruct the concerned unit of the arrested employee to complete the Mandatory Notification form and email it to the IAB Mandatory Notification group.

In the case of deputy-involved-hit-shootings, Homicide Bureau will author and distribute the Chief's Memorandum. In the case of use-of-force roll-outs, non-hit shootings, and inmate deaths, a Chief's Memorandum shall be submitted to the IAB Chief's Memorandum email group, no later than 24 hours after the incident. If the incident occurs on the weekend, the memorandum is required by 0800 hours the following Monday.

• UNIT ORDER #68 - DEPUTY INVOLVED SHOOTINGS

PURPOSE OF THIS DIRECTIVE:

To establish Bureau standards for the handling of Shooting Reviews

SCOPE:

This management directive applies to Internal Affairs Bureau (IAB) Shooting Reviews of deputy involved "Hit" and "Non-Hit" shootings, where a Department member intentionally shoots at a person.

PROCEDURES:

Interviews of non-hit shooters should be conducted as soon as practical following the shooting and after all

reports have been received. Investigators should confer with the handling detective responsible for the criminal aspect of the case prior to any interviews. To this end, interviews of non-hit shooters should be scheduled within three (3) working days of the incident to provide time for the shooters to obtain legal representation, if desired, before the interview. The interviews of non-hit shooters should take place within 14 days of the incident. The Non-Hit Shooting Review should be completed within eight (8) months of the initial incident. The same time frames apply to "Hit" shootings and are calculated from the date of the District Attorney's Office Letter of Opinion.

DUTIES AND RESPONSIBILITIES

The investigator is responsible for adhering to the established Bureau standards for scheduling interviews of shooters, completing interviews of shooters, and completion of the Shooting Review. If the investigator is unable to meet any of the established time frames, the investigator and team lieutenant are responsible for apprising the IAB Unit Commander with the reason(s) for the delay, and the estimated date of completion.

A list of issues that should be addressed in interviews of shooters in non-hit shootings may be found in Management Directive #59, Interview of Shooters in Hit Shootings.

• UNIT ORDER #69 - PRESS INTERVIEWS

PURPOSE OF THIS DIRECTIVE:

To establish Bureau standards regarding press interviews.

PROCEDURES:

Due to the inherent confidential nature of Internal Affairs Bureau (IAB) investigations and Shooting/Force Reviews, IAB shall refrain from giving press interviews.

On occasion, IAB investigators are sought out to conduct press interviews at the scene of a Force/Shooting activation. It is the IAB standard that all press inquiries are to be referred to the station or unit where the incident occurred or to the handling detective responsible for the criminal aspect of the incident. This practice falls within the guidelines of MPP 3-01/080.15 Press Relations and Field Operations Directive: 97-04 in relation to the decentralized release of information. IAB investigators should make themselves available to the handling unit for consultation and "fact set" information.

• UNIT ORDER #70 - CIVIL SERVICE RULE 18.01 "SUSPENSION

PURPOSE OF THIS ORDER:

It is the policy of the Internal Affairs Bureau (IAB) to complete an administrative investigation and serve the Letter of Intent within 30 calendar days of a Subject's *sentencing* in state and federal criminal cases.

Procedure:

Per Civil Service Rule 18.01 – Suspension: “When the charge upon which a suspension is the subject of criminal complaint or indictment filed against such employee, the period of suspension may exceed 30 calendar days and continue until, but not after, the expiration of 30 calendar days after the judgment of conviction or the acquittal of the offense charged in the complaint or indictment has become final.”

- a. Subject has been suspended without pay (18.01).
- b. Subject is sentenced in state or federal court for a criminal offense.
- c. Assigned IAB investigator shall complete, stack, and submit the case to his or her team lieutenant for approval.
- d. Team Lieutenant shall approve the case and coordinate with the Subject’s chain of command and the Advocacy Unit to ensure the case is adjudicated through the Subject’s chain of command and Case Review Panel, within 21 days.
- e. Team Lieutenant shall ensure the Discipline Team completes the Letter of Intent (LOI), IAB Captain approves the LOI, and the LOI is served within 30 calendar days of the Subject’s sentencing.

Reasoning:

When a Subject is suspended per 18.01, his/her pay is suspended. Once the Subject is sentenced in state or federal court, the Department has 30 calendar days to discharge the Subject; otherwise, the Subject’s pay is reinstated.

Subject Convicted of a Misdemeanor:

When a Subject is suspended per 18.01, due to a felony filing and is subsequently convicted of a misdemeanor, the following procedures shall be followed:

- a. Confirm if the misdemeanor prohibits the Subject from possessing a firearm, which disqualifies him or her from employment as a peace officer (State Law: 29805 P.C. and 29810 P.C.; Federal Law: 18 United States Code Section 921 et seq. or Section 922(g) (9).
- b. If the conviction is a disqualifying misdemeanor:
 - Adhere to the procedure outlined on page 1.
- c. If the conviction is not a disqualifying misdemeanor:
 - Inform the Subject’s Unit Commander that the Subject may be returned to full pay status with their Chief’s approval. If it appears that this will not result in a discharge case, advise the Subject’s Chief that the Subject’s pay can be resumed prior to the expiration of the 30 days. The Chief must authorize the Subject’s return to full pay status in a memorandum to Pay and Leave. Also, the Chief will need to decide whether to return the Subject to full duty or to continue the Subject on relieved of duty status.

• UNIT ORDER #71 - CASES DESIGNATED AS “PRIVATE TO IAB”

PURPOSE OF THIS ORDER:

Internal Affairs Bureau Unit Orders

Professional Standards Division Order #1 established a criteria for case records within the Performance Recording and Monitoring System to be classified as, or declassified from, "Private to IAB (PTIAB)." Internal Affairs Bureau must establish guidelines for the release of information classified as PTIAB.

Procedure:

Any information request for a record classified as PTIAB shall not be fulfilled without the prior approval of the Internal Affairs Bureau unit commander. In the absence of the unit commander, consult with the operations lieutenant who will assist with obtaining approval.
