

## 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.
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