

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

MISSION STATEMENT OF THE RIVERSIDE DISTRICT ATTORNEY'S OFFICE AND THE BUREAU OF INVESTIGATION

The District Attorney of Riverside County, as the public prosecutor acting on behalf of the People, vigorously enforces the law, pursues the truth, and safeguards the rights of all to ensure that justice is done on behalf of our community.

The District Attorney works with every component of the criminal justice system to protect the innocent, to convict and appropriately punish the guilty, and to protect the rights of victims.

The District Attorney also works within our community to prevent and deter crime and to promote public safety, now and for future generations.

The District Attorney fulfills these critical responsibilities through the efforts of the employees of the District Attorney's Office, and each employee is integral to achieving this mission. To that end, we, the employees of the Riverside County District Attorney's Office, will adopt the highest standards of ethical behavior and professionalism and proudly commit ourselves to the following core values in the performance of our duties: Integrity, Respect, Quality, Loyalty, Teamwork, Partnership, Innovation, Fairness, and Service.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Table of Contents

Law Enforcement Code of Ethics	1
MISSION STATEMENT OF THE RIVERSIDE DISTRICT ATTORNEY'S OFFICE AND THE BUREAU OF INVESTIGATION	2
Chapter 1 - Law Enforcement Role and Authority	7
100 - Law Enforcement Authority	8
101 - Policy Manual	11
102 - Executive Authority of the District Attorney and Chain of Command	15
Chapter 2 - Organization and Administration	17
200 - Lawfulness of Orders	18
201 - Statements, Acts, and Personal Conduct of Employees	19
202 - Departmental Directives	21
203 - Emergency Management Plan	22
204 - Training	23
205 - Electronic Mail	26
206 - Administrative Communications	27
207 - Completed Staff Work/Staff Writing	29
208 - Retiree Concealed Firearms	31
Chapter 3 - General Operations	36
300 - Use of Force	37
301 - Handcuffing and Restraints	47
302 - Specialty Impact Munitions	51
303 - Control Devices and Techniques	57
304 - Diversionary Devices	62
305 - Taser - Conducted Energy Device	65
306 - Officer-Involved Shootings and Deaths	72
307 - Firearms	81
308 - Vehicle Pursuits	89
309 - Investigator Response to Calls	98
310 - Officer of the Day Program	101
311 - Search and Seizure	104
312 - Temporary Custody of Juveniles	107
313 - Senior and Disability Victimization	114
314 - Discriminatory Harassment	122
315 - Child Abuse	127
316 - Standards of Conduct	134
317 - Information Technology Use	141
318 - Report Preparation	145
319 - Special and Confidential Investigations	149
320 - Media Relations	152
321 - Subpoenas and Court Appearances	154

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

322 - Mutual Aid and Outside Agency Assistance	157
323 - Major Incident Notification	159
324 - Limited English Proficiency Services	161
325 - Off-Duty Law Enforcement Actions	164
326 - Electronic Storage Detection (ESD) Canine	166
Chapter 4 - Field Operations	173
400 - Bias-Based Policing	174
401 - Crime and Disaster Scene Integrity	177
402 - Special Activities Unit	179
403 - Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans	196
404 - Threat Assessment and Threats to Employees	205
405 - Hazardous Material Response	212
406 - Office Security	214
407 - Response to Bomb Calls	217
408 - Evacuation Procedures	222
409 - Cite and Release Policy	226
410 - Arrest and Prisoner Procedures	230
411 - Arrest or Detention of Foreign Nationals	234
412 - Rapid Response and Deployment	238
413 - Reporting Police Activity Outside of Jurisdiction	240
414 - Immigration Violations	241
415 - Contacts and Temporary Detentions	246
416 - Criminal Organizations	250
417 - Body Worn Cameras (BWC)	254
418 - Foot Pursuits	260
419 - Crisis Intervention Incidents	264
420 - Bureau Rifles	268
421 - Medical Aid and Response	272
422 - First Amendment Assemblies	276
Chapter 5 - Investigations	283
500 - Investigation and Prosecution	284
501 - Sexual Assault Investigations	289
502 - Asset Forfeiture	294
503 - Informants	301
504 - Eyewitness Identification	306
505 - California Witness Relocation Assistance Program (CAL WRAP)	310
506 - Unmanned Aerial System (UAS) Operations	315
507 - Operations Planning and Deconfliction	318
Chapter 6 - Equipment	323
600 - Department Owned and Personal Property	324
601 - Personal Communication Devices	326
602 - Vehicle Maintenance	331
603 - Vehicle Use	333

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

604 - Military Equipment	338
Chapter 7 - Support Services	341
700 - Crime Analysis	342
701 - Dispatch Center	343
702 - Property and Evidence	350
703 - Records Section	360
704 - Records Maintenance and Release	364
705 - Protected Information	374
706 - Computers and Digital Evidence	378
Chapter 8 - Custody	383
800 - Custodial Searches	384
Chapter 9 - Personnel	389
900 - Recruitment and Selection	390
901 - Evaluation of Employees	395
902 - Grievance Procedure	397
903 - Reporting of Employee Convictions	398
904 - Drug- and Alcohol-Free Workplace	400
905 - Sick Leave	404
906 - Smoking and Tobacco Use	405
907 - Personnel Complaints	406
908 - Seat Belts	416
909 - Body Armor	418
910 - Personnel Records	420
911 - Fitness for Duty	427
912 - Funerals	430
913 - Lactation Break Policy	431
914 - Payroll Records	433
915 - Overtime Compensation Requests	434
916 - Outside Employment	435
917 - Political Activity	440
918 - Occupational Disease and Work-Related Injury Reporting	442
919 - Personal Appearance Standards	443
920 - Dress Code and Uniform Regulations	445
921 - Nepotism and Conflicting Relationships	451
922 - Employee Personal Affiliations	454
923 - Department Badges	455
924 - Temporary Modified-Duty Assignments	457
925 - Employee Speech, Expression and Social Networking	460
926 - Anti-Retaliation	465
Attachments	469
1027 Temporary Modified-DUTY FORM_072617.pdf	470
701 Cellular Phone Acknowledgement.pdf	471
AB481 Military Equipment List 01-13-2022.pdf	472

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf	473
1019 OUTSIDE EMPLOYMENT FORM.pdf	474
SB 439 Referral Final (002).pdf	475
311 Weapon_Mounted_Light.pdf	476
Hate Crime Checklist.pdf	477
BOS Policy.A-50.pdf	478
307 Pursuit attestation_form.pdf	480
Statutes and Legal Requirements.pdf	481
DM010-2022 Use of Force Form Process.pdf	482
1002 PERFORMANCE APPRAISALS_BUREAU Appraisal protocol_08192011.pdf	483
Form - Documentation of Paid Assistance to Law Enforcement.pdf	484
Major Incident Notification Guide1.pdf	485

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Riverside County District Attorney - Bureau of Investigation to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of this bureau are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an investigator makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the investigator shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE RIVERSIDE COUNTY DISTRICT ATTORNEY - BUREAU OF INVESTIGATION

The arrest authority outside the jurisdiction of the Riverside County District Attorney - Bureau of Investigation includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the investigator has probable cause to believe the person committed a felony.
- (b) When the investigator has probable cause to believe the person has committed a misdemeanor in the presence of the investigator and the investigator reasonably believes there is immediate danger to person or property or of escape.
- (c) When the investigator has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the investigator such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this bureau except in cases of hot or fresh pursuit, while following up on crimes committed within the County, or while assisting another agency.

On-duty investigators who discover criminal activity outside the jurisdiction of the County should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Law Enforcement Authority

100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE RIVERSIDE COUNTY DISTRICT ATTORNEY - BUREAU OF INVESTIGATION

The arrest authority within the jurisdiction of the Riverside County District Attorney - Bureau of Investigation includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the investigator has probable cause to believe the person has committed a felony, whether or not committed in the presence of the investigator.
- (b) When the investigator has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the investigator.
- (c) When the investigator has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the investigator and the investigator reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the investigator has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the investigator such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.4 TIME OF MISDEMEANOR ARRESTS

Investigators shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the investigator.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.5 OREGON AUTHORITY

Sworn members of this bureau who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when investigators are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Law Enforcement Authority

- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Riverside County District Attorney - Bureau of Investigation investigators have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, investigators should seek permission from a bureau supervisor before entering Oregon to provide law enforcement services. As soon as practicable, investigators exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.3 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to limit its members to only exercise the authority granted to them by law.

While this bureau recognizes the power of peace officers to make arrests and take other enforcement action, investigators are encouraged to use sound discretion in the enforcement of the law. This bureau does not tolerate the abuse of law enforcement authority.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an investigator enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

Policy Manual

101.1 PURPOSE AND SCOPE

The manual of the Riverside County District Attorney - Bureau of Investigation is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

101.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Riverside County District Attorney - Bureau of Investigation and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Riverside County District Attorney - Bureau of Investigation reserves the right to revise any policy content, in whole or in part.

101.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

101.3 AUTHORITY

The Chief of Investigators shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Investigators or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

Bureau of Investigation personnel will be responsible for following the policies outlined in this manual and will not be disciplined for the violation of any other policy manuals put forth by other divisions within the District Attorney's Office. Bureau employees will be held accountable for any violations of County policy as put forth by the Board of Supervisors.

101.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

Policy Manual

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

101.3.2 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

County - The County of Riverside.

Department /RDA - The Riverside County District Attorney - Bureau of Investigation.

DMV - The Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The Riverside County District Attorney - Bureau of Investigation Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed or appointed by the Riverside County District Attorney - Bureau of Investigation including sworn investigators, reserve investigators, and non-sworn employees.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Investigator/Sworn - Those employees, regardless of rank, who are sworn employees of the Riverside County District Attorney - Bureau of Investigation.

On-Duty - Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal Directive issued by a superior.

POST - The California Commission on Peace Officer Standards and Training.

Rank - The job classification title held by an investigator.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

USC - United States Code

101.3.3 DISTRIBUTION OF MANUAL

Policy Manual

Copies of the Policy Manual shall be distributed to the following:

- Chief of Investigators
- Assistant Chiefs
- Bureau Commanders
- Supervising Investigators
- Senior Investigators (all ranks)
- Investigators (all ranks)
- Investigative Technicians (all ranks)
- Forensic Technicians (all ranks)
- IT Forensic Examiners (all ranks)
- Audio-Video Technicians (all ranks)
- Crime Analysts
- Public Service Dispatchers
- Future classes within the Bureau not yet established

A computerized version of the Policy Manual will be made available on the Department network for access by all employees. The computerized version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization.

101.4 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Investigators or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

101.5 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Investigators will ensure that the Policy Manual is periodically reviewed and updated as necessary.

101.6 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Policy Manual

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Bureau Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Bureau Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Executive Authority of the District Attorney and Chain of Command

102.1 PURPOSE AND SCOPE

The District Attorney is the chief executive officer of the department and is the final authority in all matters dealing with the District Attorney's Office. Each Assistant District Attorney is second in command as it relates to their respective sections. The Chief of Investigators and the director of the victim/witness unit answer directly to the District Attorney and are in command of their respective sections.

102.1.1 BUREAU OF INVESTIGATION CHAIN OF COMMAND AND RESPONSIBILITIES

The Chief of Investigators is the administrator of the Bureau of Investigations. The Chief of Investigators assumes responsibility for the administration of the Bureau of investigations, direct supervision of its Assistant Chief's, and indirect supervision of Bureau Commanders, Supervising Investigators, line investigators and civilian employees. The importance of the chain of command cannot be over emphasized and shall be strictly followed.

An employee shall follow the advice and direction of a deputy district attorney only in matters pertaining to the legal requirements and pretrial direction of a specific case. In all other matters, the Bureau chain of command shall be followed.

To effectively perform his/her delegated responsibilities, the Chief of Investigators may appoint members of the bureau to assist in both administration and direct supervision. In the proper chain of command, each employee is responsible to the Chief of Investigators through his appointed Assistant Chief, Commander, or Supervising Investigators, and/or other designees. Command authority over employees of the department shall follow the organizational chart except in emergency situations where it is impractical to follow the chain of command. Refer to the organizational chart.

Employees temporarily assigned to a higher rank within the department shall be vested with full authority and responsibility of the higher rank.

Employees who hold a supervisory rank within the bureau have authority over all subordinate employees. Supervision shall be generally exercised only within the supervisor's scope of assignment except in the case of emergency or for the good of the department; then the supervisor may direct or correct any subordinate employee.

During an emergency, or in a field situation, in the absence of a regular supervisor or his/her designee, the ranking investigator (by Senior III, Senior II, then seniority) shall be in command. Seniority is the length of continuing service to the District Attorney's Office, Bureau of Investigation. Grade will take precedence over seniority on all conflicts. This definition of seniority is for Chain of Command purposes only and not in reference to Article XIV, Section 1 of the RSA and County of Riverside Memorandum of Understanding, the applicable Resolution, or any other provision of prevailing MOU's or Resolution.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Executive Authority of the District Attorney and Chain of Command

102.1.2 SUPERVISORY AUTHORITY

Supervisory personnel, in addition to supervising the general and individual responsibilities of each investigator and employee, shall be responsible for:

- (a) Detailed inspection, supervision and complete familiarization with all employees under their command;
- (b) Proper performance of duties and adherence to policies and procedures by each member of their unit;
- (c) Enforcement of rules, regulations and policies among members of their unit;
- (d) Working closely with and providing leadership to the employees under their command.

102.1.3 EMPLOYEE AUTHORITY

An employee has the authority to carry out all his/her responsibilities. In addition, each sworn employee shall be responsible for:

- (a) Proper execution of assigned duties;
- (b) Enforcement of laws;
- (c) Arrest of offenders;
- (d) Maintenance of proper public relations;
- (e) Adherence to rules, regulations and policies;
- (f) Reporting through channels any development that may unusually affect the office or the public;
- (g) Proper care and use of office equipment and vehicles, which shall be subject to immediate inspection.

Chapter 2 - Organization and Administration

Lawfulness of Orders

200.1 PURPOSE AND SCOPE

All orders issued by a supervisor are presumed to be lawful. No supervisor shall knowingly and willfully issue any order in violation of any law, ordinance, or departmental regulation or policy.

200.1.1 POLICY

- (a) Employees shall obey orders promptly and willingly. An unlawful order by a supervisor shall not be obeyed. The employee receiving the unlawful order shall point out the unlawfulness to the supervisor for the purposes of receiving alternative orders.
- (b) The failure or deliberate refusal of any employee to obey a lawful order given by a supervisory officer of the department shall be deemed insubordination. Flouting the authority of any supervisory officer by wanton disrespect or by disputing his orders is also insubordination. Insubordination may be cause for dismissal from the department.
- (c) An employee who has been given an order and subsequently given a conflicting order shall call this fact to the attention of the person giving the second order. The supervisor issuing the second order has the authority to direct the sequence in which the orders shall be accomplished. The employee has the right of appeal after orders have been followed.
- (d) Employees who are given lawful orders they feel are unjust or in contradiction to rules, regulations, policies or general orders, shall first obey the order to the best of their ability and then may appeal the order.
- (e) Appeal to an order shall be made in writing to the chief of investigators or designee via the chain of command. The employee must state all circumstances in the appeal and justify the appeal. If the appeal involves the disciplinary process, refer to the disciplinary process contained in the applicable MOU or Resolution.

Statements, Acts, and Personal Conduct of Employees

201.1 PURPOSE AND SCOPE

Employees, whether on-duty or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior. Sworn personnel shall enforce laws in a fair and impartial manner.

201.2 EMPLOYEE CONDUCT

- (a) The District Attorney's Office recognizes an employee's right to engage in political and/or concerted activities as set forth in the Meyers-Millias-Brown Act and the Peace Officer Bill of Rights.
- (b) Employees shall not perform any acts, make any statements, disparaging remarks, or engage in any divisive conduct, oral or written, for publication or otherwise, which tend to:
 - 1. Bring the department or its administrative officers into dispute or ridicule.
 - 2. Criticize the department or its administrative officers in the performance of their official duties.
 - 3. Disrupt or impair the performance of official duties and obligations of the employees of the department.
 - 4. Disrupt morale.
 - 5. Interfere with or subvert the reasonable supervision or proper discipline imposed by the department.
- (c) Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department without approval of the chief of investigators and the district attorney.
- (d) Employees shall not solicit or accept, either directly or indirectly, any gift, pass, gratuity, loan or any other thing of value; the acceptance of which could be construed to influence the actions of the said employee in a police action or which could cast an adverse reflection on the department or the vocation.
- (e) Employees shall not solicit or accept, either directly or indirectly, any special privileges by means of their position, badge, or identification card.
- (f) Employees shall not, for any person's gain or benefit, use their official position to circumvent the criminal justice system or a governmental entity.
- (g) Employees shall, as soon as is practical, notify the chief of investigators via the chain of command of the circumstances surrounding the employee acting as bailor or facilitating the bail of a person in custody. Employees shall not act as bailors for any person in custody where any fee, gratuity or reward is solicited or accepted.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Statements, Acts, and Personal Conduct of Employees

- (h) Employees shall not buy, accept, or receive any article for personal disposition from any suspect or prisoner or from any associate of any suspect or prisoner.
- (i) When acting in an official capacity, employees shall refrain from suggesting or recommending any attorney or bail bondsman to any person.
- (j) Employees shall not reveal any information in their possession, which may enable anyone to escape detection, arrest or prosecution, or enable anyone to destroy evidence, or destroy or secrete stolen property.
- (k) Employees shall not make, either verbally or in writing, an unlawful or untruthful report.
- (l) Employees shall arrange their personal and financial affairs in such a manner that the department is not contacted by creditors, collection agencies, or similar companies.
- (m) Employees shall not initiate any civil actions arising out of their official duties without first notifying the chief of investigators in writing via the chain of command.
- (n) Employees shall not accept any form of payment for any activity arising out of their official employment except as specifically authorized by the department.
- (o) Employees shall not conduct personal business while on duty.
- (p) Employees shall not engage in conduct, which tends to disrupt the working environment of the office.
- (q) Failure of an employee either willfully, or through incompetence, inefficiency, or negligence, to perform the duties of their rank or assignment may be considered "just cause" for disciplinary action up to and including termination pursuant to the current provisions of the M.O.U. or Resolution applicable to the employee's bargaining unit.

201.3 LEGAL ADVICE

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

201.4 SLEEPING AND LOITERING

- (a) Employees shall remain awake during the time they are on duty. If unable to do so, they shall notify their supervisor who shall determine an appropriate course of action.
- (b) Employees shall not loiter in taverns, theaters, or other public places while on duty, except in performance of their official duties.

201.5 CONTACT WITH LAW ENFORCEMENT OFF-DUTY

Any employee who knowingly becomes or potentially could become the focus of any investigation or enforcement action (excluding traffic violations) by any law enforcement agency, or is questioned, detained, arrested or issued a misdemeanor citation by a law enforcement agency shall, as soon as possible, notify their supervisor of such incident, detention, citation, arrest, etc. Supervisors receiving such information shall inform their section assistant chief investigator as soon as possible.

Departmental Directives

202.1 PURPOSE AND SCOPE

Departmental Directives establish an interdepartmental communication that may be used by the Chief of Investigators to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and as permitted by Government Code § 3500 et seq. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

202.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Bureau Executive Management. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the letters DM (Department Memo), the number of the particular memo, and the year the memo was issued. For example, **DM 023-2019** signifies the 23rd Department Memo of 2019.

202.2 RESPONSIBILITIES

202.2.1 ASSISTANT CHIEF OF ADMINISTRATION

The Commander of Administration shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

202.2.2 CHIEF OF INVESTIGATORS

The Chief of Investigators shall issue all Departmental Directives.

202.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Manager.

Emergency Management Plan

203.1 PURPOSE AND SCOPE

The County has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

203.1.1 AUTHORITY

- (a) The District Attorney, by authority of County [Ordinance 533](#), is a member of the Riverside County Disaster Council. The Emergency Services Division or the Disaster Corps Commander may assign certain functions to the Bureau as needed.
- (b) The District Attorney and the Bureau of Investigation work cooperatively with the Riverside County, Emergency Services Section to enhance operations in emergency situations

203.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

203.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Riverside County District Attorney - Bureau of Investigation are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Investigators or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

203.3 LOCATION OF THE PLAN

The County Emergency Management Plan is available on the Riverside County Fire website (www.rvcfire.org).

203.4 UPDATING OF MANUALS

The Chief of Investigators or designee shall review the ERT Manual at least once every three years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

Training

204.1 PURPOSE AND SCOPE

It is the policy of this bureau to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Bureau will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

204.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

204.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of our personnel.
- (c) Provide for continued professional development of bureau personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

204.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager. It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

Mandated, essential and desirable training related to all job assignments within the bureau.

204.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the Bureau Executive Management, the needs assessment will form the basis for the training plan for the fiscal year.

204.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Training

2. Vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.
- (c) Employees requesting permission to attend a specific training course shall submit a training form to their immediate supervisor for approval. The supervisor will then forward the request to the Training Manager who will submit the training request to the Bureau Commander for approval prior to forwarding to Accounting/Travel.
- (d) Except for training hosted by the District Attorney's Office, employees requesting permission to attend a specific training course, including any no-cost training or training paid for by the employee shall follow the following procedures.
1. Shall submit a training form to their immediate supervisor for approval. The supervisor will then forward the request to the Training Manager who will submit the training request to the Bureau Commander for approval prior to forwarding to Accounting/Travel.
 2. Employees will be contacted by Accounting/Travel once the necessary arraignments have been made for approved training. Employees will also receive any necessary paperwork from the Training Manager prior to attending any training course.
 3. Upon completion of a training course, the employee shall submit a copy of the school certificate to the Training Manager, or their designee, an update of the employee's training file.
 4. Expenses incurred by employees during training may be reimbursable. Requests for reimbursement shall be submitted in accordance with the Expense/Travel Policy 209 and the applicable M.O.U. or Resolution.
- (e) A reasonable effort should be made to avoid training during an employee's regular days off by adjusting the employee's work schedule to accommodate the training schedule. This will be done in accordance with the employees current M.O.U. (**Management Resolution, LEMU, LIUNA, RSA, and SEIU**). Current overtime procedures will take effect where an adjusted schedule is not possible or practical.

204.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Riverside County District Attorney - Bureau of Investigation Policy Manual and other important

Training

topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Manager. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Bureau.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

204.8 POLICY

The Bureau shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this bureau to provide continuing education and training for the professional growth and development of its members.

204.9 TRAINING MANAGER

The Chief of Investigators shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the bureau training plan so that required training is completed. The Training Manager should review the training plan annually.

204.9.1 TRAINING RESTRICTION

The Training Manager is responsible for establishing a process to identify investigators who are restricted from training other investigators for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

Electronic Mail

205.1 BOARD OF SUPERVISORS POLICY A-50

The Bureau of Investigation will adhere to the Riverside County Board of Supervisors Policies A-50.

See attachment: [BOS Policy.A-50.pdf](#)

Administrative Communications

206.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

206.2 DEPARTMENTAL MEMORANDUM

Memorandums may be issued periodically by the Chief of Investigators to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

206.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Investigators or his designee. Personnel should use Department letterhead only for official business and with approval of their supervisor.

206.4 PROCEDURE

- (a) Any communication, verbal or written memoranda concerning department matters, employee or employee association matters, or any communication authored by employees of the bureau that is placed on a bulletin board, etc., prepared during or by department means or disseminated via formal or informal department channels to all employees or employee groups, units, or sections shall be submitted for review and approved in advance by the Chief of Investigators. Any Assistant Chief Investigator or the Chief of Investigator's designee may approve memoranda in the Chief of Investigator's absence.
- (b) Official external communications concerning the department's business with another agency or outside entity, i.e., letters on department stationary or bearing the department's namesake, title, or reference to the department and letters of commendation, shall be submitted to the Chief of Investigators or designee for review, format, and context prior to release.
 - 1. External communications on official letterhead, when required by an agency for the release of discovery related to a criminal investigation or criminal case filed with this office, may be issued under the signature of the assigned Investigator or Investigative Technician and do not need to be submitted to the Chief of Investigators or his designee for review, format, and context prior to release.
- (c) A Bureau Commander or Supervisor shall initial all communications approved or authorized by them indicating their review and approval before release.
- (d) All departmental memorandums outlining a directive or policy/procedure shall be distributed by the Chief of Investigators. Each document will contain a reference number (example: DM001-2012) and will be maintained by the Chief of Investigator's

Administrative Communications

secretary. The Chief of Investigators signature is required on all correspondence of this nature.

- (e) Nothing in this policy is intended to prevent or restrict any personal communication between individuals in the normal scope of their duties or responsibilities. Communication between parties on all matters is encouraged. Memoranda, e-mail, and communications necessary for day-to-day routine business are exempt.

Completed Staff Work/Staff Writing

207.1 PURPOSE AND SCOPE

Administrative research and effective report writing are necessary to provide support for the executive staff of the district attorney's office and the day-to-day operations of the bureau. A standardized method for completing staff writing is used to present this written information in a complete, clear and concise manner, to save time, and to ease the workload of the decision-makers.

All completed staff work/staff writing shall conform as closely as possible to the guidelines contained in the following procedures to assure that quality staff reports and written work product are forwarded to executive staff of the bureau of investigation, staff of other divisions/units within the district attorney's office, and the county board of supervisors.

207.2 DEFINITION

Completed staff work/staff writing is any writing prepared in an official capacity by a bureau employee reflecting the essential ideas, recommendations, and proposals of the Department.

207.3 SUGGESTED FORMAT FOR COMPLETED STAFF WRITING

- (a) Use the memorandum style format and address the memo to the appropriate executive supervisor, via the chain of command, listing the appropriate topic or subject of the memorandum.
- (b) The body of a staff report generally has six sections, however, some issues and subject matter might require more information and details and others less. The most commonly used sections in the body of a staff report are:
 1. Problem or Issue
 - (a) In one or three sentences, clearly state the problem, identify the issues, and outline exactly what the executive staff will have to consider or decide.
 2. Background
 - (a) Provide enough detail so the reader has the essential facts on the subject matter. If a detailed discussion is essential, make use of annexes and appendices.
 3. Recommendation
 - (a) This section must be included in all action reports describing precisely what action the executive staff is being asked to take. Include the means to implement the recommended decision. For example, if you are recommending a new policy or procedure, offer a full and complete draft for the review and approval of the executive. If you are recommending

Completed Staff Work/Staff Writing

that a letter be sent to an official or dignitary, prepare and submit a draft letter for the executive's approval and signature. Before including recommendations, check with other interested departments, sections, agencies and staff to include a complete picture of the recommendation's effect on other involved or interested parties.

4. Alternate Solutions
 - (a) List other possible solutions to the problem, even though you are recommending against them.
5. Fiscal Impact
 - (a) Clearly indicate the fiscal implication of your recommendation, i.e., budget amount, source of funding, maintenance costs, etc., of the recommendation and the alternatives.
6. Consultation with Others
 - (a) Consult with others in the process of researching an issue. If they are in agreement with your recommendations, identify them in your report. This may have significant impact on the decision of the executive staff.
 - (c) If the subject of the writing requires additional sections to fully present and explain the issue and the requested action, add them to complete the report.

207.4 COUNTY BOARD OF SUPERVISORS AGENDA PROCEDURE AND FORM 11 GUIDELINES

County Ordinance 442.2 and Riverside County Board of Supervisors Policy A-5 describes the routing process, format, and guidelines for submitting official proposals to the Riverside County Board of Supervisors for board action. On many occasions, completed staff work is attached to the Form 11 to explain or justify the action proposed by the district attorney's office.

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Riverside County District Attorney - Bureau of Investigation identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

208.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to provide identification cards to qualified former or retired investigators as provided in this policy.

208.3 LEOSA

The Chief of Investigators may issue an identification card for LEOSA purposes to any qualified former investigator of this bureau who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this bureau as an investigator.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this bureau.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this bureau where the investigator acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 PROCEDURE

- (a) A retiree Identification Certificate with or without a CCW endorsement expires every 5 years. It is the responsibility of the retiree to petition the department for a renewal at that time. Prior to coming to the range to qualify, retirees must fill out the required application to be cleared through the department Range Master. Retirees will be contacted within 30 days of their submission of the application via a letter. The letter will contain an approval or denial of the application. When applying for a 5 year Identification Certificate, retirees must submit a new, digital photograph along with the application. Retirees may accomplish this by visiting the district attorney's office, bureau of investigation in Riverside (3960 Orange St, Riverside, CA). Retirees may also submit a digital photograph via email to IDCARD@rivcoda.org. Photographs should be a standard type of ID photo; mid chest and head, face forward. If the retiree is approved for a CCW endorsement on their Identification Certificate, the letter will contain a date for the retiree to attend range for qualification. Retirees will not be allowed to qualify with a firearm or attend range training without first going through the approval process. If a retiree's application for a new Identification Certificate is

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Retiree Concealed Firearms

denied, the letter will state the reason. The retiree is entitled to a good cause hearing as outlined in CPC 26320. (Also see Section 208.1 of this policy)

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former investigator of this bureau, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn investigator of this bureau who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any investigator who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any investigator retiring because of a psychological disability (Penal Code § 26305).

208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired investigator shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.

Retiree Concealed Firearms

- (d) The name and address of this bureau.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

208.5 FORMER INVESTIGATOR RESPONSIBILITIES

A former investigator with a card issued under this policy shall immediately notify the Bureau of Investigation of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

208.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former investigator shall:

- (a) Sign a waiver of liability of the Bureau for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Bureau.
- (b) Remain subject to all applicable bureau policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

208.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired investigator shall (Penal Code § 26305):

- (a) Qualify annually with the authorized firearm at a course approved by this bureau at the retired investigator's expense.
- (b) Remain subject to all applicable bureau policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Bureau.

208.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Bureau. In the event that an identification card is denied, suspended or revoked, the former investigator may request a review by the Chief of Investigators. The decision of the Chief of Investigators is final.

208.7 UNAUTHORIZED USE OF CCW

Authorization to carry a concealed weapon does not apply to any employment, business, or volunteer work the retired investigator may perform. If the activity requires the retiree to be armed,

Retiree Concealed Firearms

the retired investigator must qualify through means that any other citizen would qualify to be legally armed. If the authorization is used for other employment, volunteer work or business, the authorization to carry a firearm is considered immediately revoked.

208.8 RECORDS RETENTION

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

208.9 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 for any investigator retired from this bureau may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief of Investigations when the conduct of a retired peace officer compromises public safety.

- (a) In the event that a CCW endorsement is initially denied, the retired investigator shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to revocation of any CCW endorsement, the Bureau shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 - 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 - 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 - 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Bureau, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
 - (a) The decision of such hearing board shall be binding on the Bureau and the retiree.

Retiree Concealed Firearms

- (b) Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Bureau will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief of Investigations via their chain of command as soon as practicable. The Chief of Investigations will assign a Commander or Supervisor to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 - (a) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 - (b) The handling manager should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Investigators.
 - (c) The personal and written notification should be as follows:
 - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
 - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
 - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
 - (d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the handling manager should attempt to make the above notice of temporary suspension through another law enforcement officer.

208.10 FIREARM QUALIFICATIONS

The Rangemaster may provide former investigators from this bureau an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this bureau is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the investigator or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the investigator at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Investigators are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Investigators must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Use of Force

The Bureau recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting investigators with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any investigator present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable investigator under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each investigator should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 DUTY TO REPORT EXCESSIVE FORCE

Any investigator who observes a law enforcement officer or an employee use force that potentially exceeds what the investigator reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.3 FAILURE TO INTERCEDE

An investigator who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the investigator who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Investigators shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the investigator at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable investigator on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that investigators are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an investigator might encounter, investigators are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Investigators may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which investigators reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons,

Use of Force

or methods provided by the Bureau. Investigators may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an investigator to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an investigator be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an investigator has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to investigators or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the investigator at the time (Penal Code § 835a).
- (c) Investigator/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of investigators available vs. subjects).
- (d) The conduct of the involved investigator leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with investigator commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

Use of Force

- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the investigator.
- (m) Potential for injury to investigators, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the investigator.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the investigator or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Investigators may only apply those pain compliance techniques for which they have successfully completed bureau-approved training. Investigators utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the investigator.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the investigator determines that compliance has been achieved.

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Investigators of this bureau are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, investigators may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, investigators are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, investigators should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or

Use of Force

respiration would be restricted. Investigators are encouraged to use techniques and methods taught by the Riverside County District Attorney - Bureau of Investigation for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, investigators should consider actions that may increase investigator safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding investigators before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase investigator jeopardy.

In addition, when reasonable, investigators should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 ADDITIONAL RESTRICTIONS

Terms such as “positional asphyxia,” “restraint asphyxia,” and “excited delirium” continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an investigator’s use of reasonable control methods when attempting to restrain a combative individual, investigators are not authorized to use any restraint or transportation method which might unreasonably impair an individual’s breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the investigator shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the investigator has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable investigator would consider it safe and feasible to do so under the totality of the circumstances, investigators shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is

Use of Force

reasonably practical, investigators should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the investigator reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) An investigator may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the investigator or another person.
- (b) An investigator may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the investigator reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Investigators shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable investigator would believe the person does not pose an imminent threat of death or serious bodily injury to the investigator or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable investigator in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the investigator or another person. An investigator’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, investigators should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An investigator should only discharge a firearm at a moving vehicle or its occupants when the investigator reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the investigator or others (Government Code § 7286(b)).

Investigators should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this bureau shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The investigator should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Bureau may require the completion of additional report forms, as specified in bureau policy, procedure or law. Please refer to DM-010-2022 for specificity with respect to Use of Force reporting within the Bureau.

Use of Force

300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by an investigator shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable investigator to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section Policy.

300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained investigators should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the investigator's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another investigator and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling investigator shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall

Use of Force

include a description of the force used and any other circumstances the investigator reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple investigators to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Investigators who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved investigators. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Use of Force

- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervising investigator is not on scene or is unable to respond to the scene of an incident involving the reported application of force, a supervising investigator from another unit will be assigned to respond and fulfill the above-listed responsibilities. Please refer to DM-010-2022 for specificity with respect to Use of Force reporting within the Bureau.

300.7.1 COMMANDER RESPONSIBILITY

The designated Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Investigators and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Training Manager should ensure that investigators receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to [officers/deputies] who are the subject of a sustained use of force complaint.

300.9 USE OF FORCE ANALYSIS

At least annually, the Training/Administration Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Investigators. The report should not contain the names of investigators, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by Bureau personnel.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

Use of Force

300.11 POLICY REVIEW

The Chief of Investigators or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief of Investigators or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an investigator's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records, Personnel Complaints, and Records Maintenance and Release policies (Government Code § 7286(b)).

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Riverside County District Attorney - Bureau of Investigation authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and bureau training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Riverside County District Attorney - Bureau of Investigation-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, investigators should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of investigators and others. When deciding whether to remove restraints from a detainee, investigators should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the investigator has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, investigators, or others (Penal Code § 3407; Penal Code § 6030).

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the investigator has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the investigator, or damage property.

301.3.4 NOTIFICATIONS

Whenever an investigator transports a person with the use of restraints other than handcuffs, the investigator shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the investigator reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Bureau. Investigators should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, investigators should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, investigators should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the investigator reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Handcuffing and Restraints

Investigators utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Investigators should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Investigators should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only bureau-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Bureau shall be used.

In determining whether to use the leg restraint, investigators should consider:

- (a) Whether the investigator or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting investigator while handcuffed, kicking at objects or investigators).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, investigators should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

Handcuffing and Restraints

- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the investigator arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an investigator while in the leg restraint. The investigator should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The investigator should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an investigator when requested by medical personnel. The transporting investigator should describe to medical personnel any unusual behaviors or other circumstances the investigator reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the investigator shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Investigators should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

Specialty Impact Munitions

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Specialty Impact Munitions to include less lethal launchers. The use of Specialty Impact Munitions shall follow the Bureau's guidelines pertaining to the use of force as well as this policy.

302.2 DESCRIPTION

Less Lethal Weapon: A bureau issued launcher capable of delivering specialty impact munitions. This may include a compressed gas launcher which delivers the projectiles with enough force to burst the projectiles on impact, or a 40mm Less Lethal Launcher. Although classified as a less lethal device, the potential exists for the projectiles to inflict injury when they strike the head, neck, spine and groin. Therefore, personnel deploying the Less Lethal Weapon shall avoid intentionally striking those body areas unless a life threatening situation exists.

Specialty Impact Munitions: Bureau issued munitions include, but are not limited to: FN 303 munitions and 40mm Less Lethal munitions.

302.2.1 DEPLOYMENT

The Bureau is committed to reducing the potential for violent confrontations when suspects are encountered. Specialty Impact Munitions, when used properly, are less likely to result in death or serious physical injury. Approved munitions can be used to resolve a potentially violent situation, with a reduced potential for death or serious physical injury.

Specialty Impact Munitions (henceforth referred to as SIM) may be used in an attempt to resolve a potentially violent situation, with a reduced potential for death or serious physical injury. The SIM is justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand. Investigators are not required or compelled to use the SIM in lieu of other reasonable tactics if the involved investigator(s) determine that deployment of the SIM cannot be done safely. The safety of hostages, innocent third party civilians, and other investigators takes priority over the safety of subjects engaged in criminal or suicidal behavior.

The use of the Less Lethal Launchers is subject to the following requirements.

- (a) Investigators encountering a situation that requires the use of the Less Lethal Launcher shall notify a Supervising Investigator as soon as practical. The Supervising Investigator shall respond to all Less Lethal deployments where the suspect has been hit. The Supervising Investigator shall make all notifications and reports as required by Use of Force Policy 300.
- (b) Each deployment of a Less Lethal Launcher shall be documented.

Specialty Impact Munitions

302.2.2 INVESTIGATOR RESPONSIBILITIES - DEPLOYMENT

Deployment is defined as "prepared" for use. The Supervising Investigator does not need to be on-scene of a deployment, but should make every effort to arrive at the scene in a timely manner. The SIM should not be used until suitable back up is available on scene unless physical injury to the investigator or others is imminent and deadly force is not justified, or the circumstances have escalated to such a degree that deadly force is justified.

- (a) Investigators assigned to the Special Activities Unit who have completed a departmental training course, or authorized personnel who have received department training and demonstrated annual proficiency, may carry and deploy FN 303 projectiles and the 40mm Less Lethal Launcher while on duty or while performing Special Activities Unit (SAU) missions.
- (b) Backup investigators should be assigned the following duties, depending upon the number of investigators present and time available:
 - 1. Arrest team (two or more investigators)
 - 2. Designated "use of deadly force" investigator to guard against a serious escalation of force endangering the lives of investigators or others.
 - 3. Command and control investigator (may be the Supervising Investigator on scene) to provide verbal commands to the subject before use of the SIM. The officer assigned to the SIM may assume this role if circumstances warrant.
 - 4. Perimeter or containment positions as required.
 - 5. Negotiator and alternative use of force options: Electronic Control Device, etc. The taking into custody of the subject should be accomplished as soon as it is safe to approach following the administration of the Specialty Impact Munitions.
- (c) Examples of circumstances appropriate for deployment
 - 1. Examples include but are not limited to the following types of situations where:
 - (a) The subject is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
 - (b) The subject has made credible threats to harm themselves or others
 - (c) The subject is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or investigators
 - (d) The use against an aggressive or violently approaching animal, such as a dog, warrants the use to avoid injury to the investigator or bystanders
 - 2. Before discharging projectiles, the investigator should consider the following factors:
 - (a) Severity of the crime or incident.
 - (b) Subject's capability to pose an immediate threat to the safety of investigators and/or others.

Specialty Impact Munitions

- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
 - (d) The credibility of the subject's threat as evaluated by the investigators present, and physical capacity/capability.
 - (e) The proximity of weapons available to the subject.
 - (f) The investigators versus the subject's physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, the number of investigators versus subject(s)).
 - (g) The availability of other force options and their possible effectiveness.
 - (h) Distance and angle to target.
 - (i) Type of munitions employed.
 - (j) Type and thickness of subject's clothing. (If the subject is bare- chested, the potential for injury is greater).
 - (k) The subject's actions will dictate the need for an immediate response and the use of the SIM.
 - (l) It is recommended, if possible, to make an announcement by the less lethal investigator prior to actually launching munitions against a subject. This is recommended in order to prevent "sympathetic fire" from other investigators at the moment munitions are launched.
- (d) Investigators will keep in mind the manufacturer recommendations regarding deployment when using less lethal munitions, but are not restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.
- (e) The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. Primary target areas consist of large muscle groups: buttocks, thighs, calf, abdominal, forearm and wrist.
- (a) Secondary target areas consist of the shoulder, upper arm, and knee. Investigators should not intentionally target the chest, groin, spine, lower back, head, or neck unless it appears necessary to achieve immediate incapacitation in order to prevent serious injury or death to investigators or others, and other methods have failed or reasonably appear ineffective.
 - (b) Shots to "center mass" provide for the highest probability of causing immediate incapacitation, but also have the potential to cause serious injury or death.

302.3 POST DEPLOYMENT PROCEDURE

- (a) Once the scene is sufficiently secured, the principal objective after a SIM application is to provide medical attention to the suspect. After qualified personnel use the SIM to take a subject into custody, the qualified personnel shall:
 1. Secure the subject to minimize the threat of injury to either the investigator or the subject.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Specialty Impact Munitions

- (a) Investigators are to use caution that any restraint device or technique used does not impair the breathing of the subject.
2. The subject should be transported to a hospital for medical clearance. Investigators may request medical personnel (i.e., fire or ambulance) to respond to the scene as soon as possible and render first aid to the subject.
 - (a) A photograph shall be taken of the suspect, all injuries, and the area of the munitions impact, in addition to photographs of the projectile if available. All photographs shall be booked into evidence.
3. Documentation and notification upon deployment of a SIM.
 - (a) All uses of a SIM (other than in training) shall be documented in the related arrest or incident report. Should death or a life threatening serious bodily injury result from the application of the SIM, the investigation and reporting protocol shall be the same as an Officer Involved Shooting (OIS).
 1. Time of arrival
 2. Type of call
 3. Observation of suspect's actions justifying use of the SIM
 4. Verbal commands and warnings
 5. Application of the SIM
 6. Location of munitions hits
 7. Response of suspect to the SIM (i.e. "suspect immediately complied")
 8. Suspect taken into custody
 9. Photos of suspect
 10. First aid rendered to suspect (by whom and what was done)
 11. Suspect transported to the local hospital for medical clearance
 12. Suspect booked, and jail personnel advised of a SIM application
 13. Injuries sustained by suspect or investigator
 - (b) A Supervising Investigator shall be advised of the application of a SIM and:
 1. If circumstances permit, respond to the scene of the application, regardless if the use of the SIM is intentional or accidental. All uses shall be documented to include accidental discharges.
 2. Review with the investigator the circumstances of the use of the device.
 3. Ensure compliance with medical attention, custody, and reporting requirements.
 - (c) Subjects who have been exposed to SIM deployment shall be transported to a medical facility for a medical examination. Prior to booking, the subject shall be medically cleared (OK to book) through a hospital before being housed in a detention facility, mental health facility, or cite-released.

Specialty Impact Munitions

1. If medical personnel are on the scene and deem the subject stable, then the subject may be transported via a law enforcement vehicle to a medical facility for medical clearance. If medical personnel are not available, the Senior Investigator III or Supervising Investigator at the scene can make this decision.
 2. The investigator obtaining medical clearance shall advise the ER physician how many times the subject had a SIM applied.
 3. An investigator shall remain at the hospital until the subject is medically cleared for housing at a detention facility, unless the subject is admitted and sufficient custodial safeguards are in place, or the subject is otherwise released from custody.
- (d) During the booking of the subject, jail personnel shall be advised of the use of the SIM for monitoring the subject for any possible residual effects.
- (e) In situations where the SIM was used against a threatening animal only, SIM Operators shall submit a memorandum detailing the SIM use to their Commander.

302.4 MAINTENANCE AND CARE

The primary responsibility for maintaining and caring for the SIM shall rest with the Bureau's certified instructors.

- (a) The Bureau's certified instructors and/or designee is responsible for the following:
1. Log and track all SIM and munitions to minimally include the issuance of each weapon and the employee assigned to that weapon.
 2. The Bureau's certified instructors shall maintain records for all discharges within the Training Unit.
 3. The Bureau's certified instructors shall ensure random audits are performed for functionality of the device as well as testing and checking for abuse of any SIM.
 4. Order and maintain adequate munitions and necessary supplies.
 5. Conduct inspections of the SIM.
 6. The Bureau's certified instructors are responsible for maintaining records of the annual audits. Results from this audit shall be electronically forwarded to the Chief of Investigators. The Bureau's certified instructors will ensure that all investigators who are assigned and/or carry the SIM have attended the initial training and subsequent re-certification training.
 - (a) The FN 303 launcher along with related equipment will be housed in a department issued hard case.
 - (b) Investigators shall inspect the case and its contents to ensure the following items are present and in good condition:
 1. FN 303 launcher with sling
 2. Three FN 303 specialty impact magazines

Specialty Impact Munitions

- (c) Only department issued munitions will be used.
- (d) The FN 303 launcher shall be carried in the case unloaded.
- (e) If any damage or unusual circumstances are noted after inspection, the inspecting investigator shall immediately notify his or her Commander. The SIM launcher and munitions will be removed from service and delivered to the range master with a memorandum explaining the circumstances.
- (f) After a SIM launcher has been fired, it shall be presented to the Bureau's certified Less Lethal Instructor(s) for inspection and munitions replenishment.
- (g) All Bureau issued Less Lethal Launchers will be inspected annually by the Bureau certified instructor(s) to ensure proper operation.

302.5 TRAINING

- (a) Only qualified, department trained personnel shall be allowed to deploy and use Bureau Less Lethal Launchers.
 - 1. Only those personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Investigators deploying kinetic energy projectiles will complete an annual recertification course. Investigators who do not meet a satisfactory standard of proficiency will be subject to remedial training. Investigators assigned to the Special Activities Unit who have completed a departmental training course may deploy Specialty Impact Munitions while on duty, or while performing SAU missions.
- (a) At no time during departmental certification of chemical projectiles or upon updated training of chemical projectiles shall officers be required to and/or volunteer to be exposed to any chemical agent projectile or training projectile for training purposes.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Riverside County District Attorney - Bureau of Investigation authorizes investigators to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this bureau only if the device has been issued by the Bureau or approved by the Chief of Investigators or the authorized designee.

Only investigators who have successfully completed bureau-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, investigators should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

303.4 RESPONSIBILITIES

303.4.1 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

303.4.2 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

Control Devices and Techniques

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

Investigators must complete a department approved training course in order to carry an expandable baton. Investigators also have the option of carrying a traditional style of police baton while in a uniform capacity, as long as they can provide a certificate of training in the use of these batons. These types of batons include the PR-24, straight wooden baton, straight metal baton, and the straight plastic baton.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.6.1 OC SPRAY

Investigators (Penal Code Section 22820), investigative technicians, and Forensic Technicians (Penal Code Section 12403.7) may use department issued OC spray (OCWAIS Document Retrieval) only after completing a course of training approved by the department or chief of investigators. A similarly approved OC training course attended by the employee prior to service with this department is sufficient.

303.6.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

Investigators encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Control Devices and Techniques

Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

Only those investigators who have completed the Bureau's training as it relates to Less Lethal Launchers (Policy 303) may utilize the pepper projectile systems.

303.6.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.7 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, investigators should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

303.8 KINETIC ENERGY PROJECTILE GUIDELINES

This bureau is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.8.1 DEPLOYMENT AND USE

Only bureau-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Investigators are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved investigator determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and investigators takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or investigators.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Control Devices and Techniques

303.8.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the investigator should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of investigators or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other investigators and individuals that the device is being deployed.

Investigators should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, investigators are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the investigator reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the investigator or others.

303.8.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Investigators will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the investigator shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, investigators who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second investigator watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

Control Devices and Techniques

303.9 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the investigator's training file.
- (c) Investigators who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an investigator cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the investigator will be restricted from carrying the control device and may be subject to discipline.

303.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Diversionsary Devices

304.1 PURPOSE AND SCOPE

This policy provides guidance for the storage, transportation, handling, deployment, and reporting the use of flash/sound diversionsary devices and stinger grenades.

304.2 DEFINITION

For purposes of this section, a diversionsary device (also referred to as a flashbang, noise/flash diversion, or distraction device) shall be defined as any hand deployed explosive device designed to emit a loud report and dazzling flash of light for the purpose of inducing a temporary and physiologically involuntary distraction which makes organized resistance difficult.

A stinger grenade (also referred to as a stingball) shall be defined as a hand deployed, combination diversionsary device and less lethal impact device, designed to propel rubber pellets by means of an explosive charge.

304.3 AUTHORIZATION

Except in extreme emergencies (i.e.: life threatening situations) diversionsary devices and stinger grenades should not be used without authorization of the incident commander, scene supervisor, or SAU Team Leader. SAU members may use diversionsary devices without team leader approval when immediate action is necessary to distract a suspect(s) posing a significant threat to law enforcement personnel, victims, the public, or when necessary to distract a person seen harming himself.

Only personnel who have successfully completed a department approved training course in the use and deployment of diversionsary devices and/or stinger grenades shall be certified/authorized to carry or deploy them during actual operations. These personnel shall be trained, tested, and certified annually.

304.4 JUSTIFICATION

Diversionsary devices can assist in achieving the goal of protection of life and property, as well as the restoration of order. Their use should be considered when doing so would assist in facilitating an entry, enabling an arrest, restoring order, or reducing the risk of injury. Such circumstances include but are not limited to:

1. Barricaded suspect and/or hostage situations
2. High risk warrant services
3. Distracting a subject to allow apprehension or detention
4. Discouraging dangerous animals from attacking
5. Any situation having the potential to be a life threatening or violent confrontation
6. Situations where authorizing personnel deem their use necessary to safely resolve an incident

Diversionsary Devices

Stinger grenades are used to minimize the risks to all parties through pain compliance, and to temporarily distract or disorient potentially violent or dangerous subjects in situations including but not limited to the following:

1. Clearing an area of, or denying an area to, riotous, violent, or dangerous subjects
2. Dispersing a violent mob when lesser force options would be ineffective
3. As an alternative to a less lethal launcher when it is necessary to use that level of force against multiple subjects simultaneously
4. Restoration or maintenance of order during disturbances or riots
5. Situations where authorizing personnel deem their use necessary to safely resolve an incident

304.5 DEPLOYMENT CONSIDERATIONS

Special care should be exercised when diversionsary devices or stinger grenades are to be deployed in a building or other area where the elderly, small children, flammable materials, or small loose objects or debris are present. Exterior deployment may be preferable. Investigators shall, whenever possible, visually inspect the target area before a diversionsary device is deployed. Diversionsary devices shall not be blindly deployed unless exigent circumstances exist.

Diversionsary devices and stinger grenades have the potential to ignite flammable materials. Therefore, some means of fire suppression (i.e: fire extinguisher) shall be reasonably available when devices are carried and may be deployed. Diversionsary devices generate smoke and the investigators should ventilate the area when safe to do so.

When handling or deploying a diversionsary device or stinger grenade, all personnel should use safety equipment, including but not limited to eye protection, ear protection, helmet, body armor, gloves, ballistic or non-ballistic shields. Exposure to a deployed diversionsary device may produce sensory overload. Investigators should comfort and reassure persons traumatically affected when it is safe to do so.

304.6 POST DEPLOYMENT CONSIDERATIONS

The primary objective after a diversionsary device deployment is to provide medical attention as needed and to ensure there is no fire danger. The following steps apply if the diversionsary device fails to deflagrate:

1. Investigators should have a backup device ready to deploy and this device should be deployed immediately when possible.
2. Secure the area, clear all non-essential personnel, and wait a minimum of 30 minutes.
3. Verify the proper separation of the pin and spoon.
4. Submerge the device in a bucket of water. **DO NOT MOVE THE DEVICE WITH YOUR HANDS**, but rather use a shovel or a long handled tool.
5. Contact the local Bomb Squad for further instructions.

Diversionsary Devices

Stinger grenades that do not detonate require further precautions:

1. Stingers grenades cannot be deactivated with water as they are encased in rubber.
2. Isolate the device to prevent injuries or projectiles by using a shovel or long handled tool.
3. DO NOT MOVE THE DEVICE WITH YOUR HANDS.
4. Do not cover the device. Call the local Bomb Squad for further instructions.

304.7 DOCUMENTATION, REVIEW, AND REPORTING

The use of diversionary devices or stinger grenades shall be documented by the on scene supervisor, or his designee, in an after-action report or memorandum. The circumstances surrounding the deployment shall be fully described. The Chief of Investigators or his designee shall be responsible for reviewing any deployment to ensure policy was followed.

The SAU supervisors and designated diversionary device trainers shall be responsible for submitting written notification to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) when diversionary devices and/or stinger grenades are expended/deployed in accordance with current BATFE protocol.

304.8 STORAGE AND HANDLING

Diversionsary devices and stinger grenades must be stored in a location that is cool, dry, and separate from ammunition. The Bureau of Investigation provides a storage magazine (Riverside Armory) and vehicle mounted magazines (also referred to as Bang Boxes) for this purpose. If magazine space is exhausted, diversionary devices may be stored on an armory shelf designated for this purpose, separate from ammunition.

All devices should be retained in factory packaging until issued for use. When carried operationally, diversionary devices shall be secured in a pouch or carrier with a retention strap or flap.

Taser - Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

305.2 POLICY

The TASER® device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to investigators and suspects.

305.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed bureau-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the bureau's inventory.

Investigators shall only use the TASER device and cartridges that have been issued by the Bureau. Uniformed investigators who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed investigators may secure the TASER device in the driver's compartment of their vehicle.

When carried while in uniform investigators shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, investigators should carry two or more cartridges on their person when carrying the TASER device.
- (c) Investigators shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Investigators should not hold both a firearm and the TASER device at the same time.

305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of investigators or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other investigators and individuals with a warning that the TASER device may be deployed

The fact that a verbal warning was given or the reasons it was not given shall be documented by the investigator deploying the TASER device in the related report.

Taser - Conducted Energy Device

305.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, investigators should be aware that the device may not achieve the intended results and be prepared with other options.

305.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the investigator at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm investigators, him/herself or others.

Mere flight from a pursuing investigator, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the investigator, the subject or others, and the investigator reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between investigators and the subject, thereby giving investigators time and distance to consider other force options or actions.

Taser - Conducted Energy Device

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

305.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the investigator to limit the application of the TASER device probes to a precise target area, investigators should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

305.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Investigators should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the investigator reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the investigator should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Investigators shall notify a supervisor of all TASER device discharges. The expended cartridge and wire should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork.

305.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

305.5.7 OFF-DUTY CONSIDERATIONS

Investigators are not authorized to carry department TASER devices while off-duty.

Investigators shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION

Investigators shall document all TASER device discharges in the related arrest/crime report . Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

Taser - Conducted Energy Device

Unintentional discharges shall be documented by memorandum submitted to the operator's supervisor and the Bureau's certified TASER instructor(s).

305.6.1 REPORTS

The investigator should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems
- (f) The model, and serial number of the TASER device and cartridge serial number.
- (g) Date, time and location of incident.
- (h) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (i) The type of mode used (probe or drive-stun).
- (j) Location of any probe impact.
- (k) Location of contact in drive-stun mode.

305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken. The probes shall be considered a "sharp" biological hazard and shall be handled in accordance with the procedural directive regarding blood borne/airborne pathogens exposure control.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

Taser - Conducted Energy Device

- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another investigator and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting investigator shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

305.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

305.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial bureau-approved training.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an investigator's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for TASER devices will be documented in the investigator's training file.

Command staff, supervisors and investigators should receive TASER device training as appropriate for the investigations they conduct and review.

The Training Manager is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Manager should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

Taser - Conducted Energy Device

- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

305.10 TASER C-2

The Riverside District Attorney's Office recognizes it has a unique role in law enforcement which includes being regularly tasked with the responsibility to fulfill a plan clothes, discreet, dignitary protection mission. Investigators assigned to a dignitary protection detail have a special need to both defend the protected person's safety while ensuring a safe evacuation from a potentially violent threat with due regard for public safety. To that end, the Riverside District Attorney's Bureau of Investigation may issue TASER C-2's to investigators assigned to dignitary protection missions with the following guidelines.

- a. The assigned investigator must meet the minimum training guidelines for carrying the TASER C-2 by the Bureau's certified Taser Instructor(s).
- b. Investigators who are assigned to carry the TASER C-2 shall undergo annual re-certification with the C-2 as directed by the Bureau's certified Taser Instructor(s).
- c. Investigators assigned to dignitary protection may, under imminent threat to the safety of the protected person or others, deploy the TASER C-2 in the manner recommended by TASER International for civilian use.
 - 1. The TASER C-2, unlike the X-26 for law enforcement field use, is recommended to be used as means of temporarily disabling an attacker for thirty seconds thereby allowing an intended crime victim a chance to escape and summon help.
 - 2. C-2 operators should, whenever possible, give a verbal warning that a TASER will be used
 - 3. During a dignitary protection assignment, should an assault or other immediate threat to the safety of the protected person occur, assigned investigators may, at their discretion, utilize the TASER C-2 as intended by the manufacturer. Once the attacker is disabled by the darts, the operator may set the TASER unit down and evacuate the protected person to an area of safety.
 - 4. C-2 operators shall, as soon as practical, notify the law enforcement agency with jurisdiction over where the C-2 was used with all the pertinent information so as to provide medical treatment, identification and arrest of the suspect when possible.
 - 5. In the event of a TASER C-2 deployment, as soon as practical, investigators should return to the scene to gather evidence, identify witnesses, identify the suspect(s) and, if necessary, render medical aid.

Taser - Conducted Energy Device

- a. Use of the C-2 shall be governed as detailed in this policy.
- b. C-2 operators shall adhere to reporting guidelines as detailed in this policy.

Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an investigator.

In other incidents not covered by this policy, the Chief of Investigators may decide that the investigation will follow the process provided in this policy.

306.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Riverside County Law Enforcement Administrators Association (RCLEAA) Policy R-001 - Officer involved Use of Force Guidelines for investigating officer-involved shootings.

306.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved investigator's actions.
- An administrative investigation as to policy compliance by involved investigators.
- A civil investigation to determine potential liability.

306.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

306.4.1 RIVERSIDE COUNTY DISTRICT ATTORNEY - BUREAU OF INVESTIGATION INVESTIGATOR WITHIN THIS JURISDICTION

The Riverside County District Attorney Bureau of Investigation is responsible for the criminal investigation of the suspects actions. The criminal investigation of the officer-involved shooting will be conducted by the venue agency. The Riverside County District Attorney's Office can conduct its own independent criminal investigation if desired.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer-Involved Shootings and Deaths

investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Investigators and with concurrence from the other agency.

306.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved investigator's conduct during the incident will be determined by the employing agency's protocol. When an investigator from this bureau is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of the Bureau of Investigation to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Investigators or the authorized designee for approval.

306.4.3 RIVERSIDE COUNTY DISTRICT ATTORNEY - BUREAU OF INVESTIGATION INVESTIGATOR IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect(s) to another agency. The Riverside County District Attorney - Bureau of Investigation will conduct timely civil and/or administrative investigations.

306.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

306.5.1 UNINVOLVED INVESTIGATOR RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved RDA investigator will be the investigator-in-charge and will assume the responsibilities of a supervisor until properly relieved. This investigator should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Bureau or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

306.5.2 NOTIFICATIONS

The following person(s) shall be notified as soon as practicable: The on scene supervisor should contact their Commander who will ensure all proper notifications are made.

- Chief of Investigators (Notify DA Admin)
- Assistant Chief(s)
- Major Crimes Bureau Commander and Commander over involved employee(s)

Officer-Involved Shootings and Deaths

- Officer-Involved Shooting investigation team
- Outside agency investigator (if appropriate)
- Administrative Investigation Supervisor (Identified by Administrative Assistant Chief or designee)
-
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative
- Press Information Officer

306.5.3 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved RDA supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any "uninvolved" officers.
 - (a) In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary public safety statement from one involved officer.
- (b) If necessary, the supervisor may administratively order any RDA investigator to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
- (c) The initial on-scene supervisor should not attempt to order any "involved" officer to provide any information other than public safety information.
- (d) Provide all available information to the on scene Bureau Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (e) Take command of and secure the incident scene with additional RDA members until properly relieved by another supervisor or other assigned personnel or investigator.
- (f) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved RDA investigator should be given an administrative order not to discuss the incident with other involved officers or RDA members pending further direction from a supervisor.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer-Involved Shootings and Deaths

- (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon at the same time the involved officer's weapon is taken.

306.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation shall be accommodated.
 - (a) Involved RDA investigators shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - (b) Requests from involved non-RDA officers should be referred to their employing agency.
- (b) The involved investigator may choose to have a partner member (peer support) of their choice present for support purposes. These conversations between involved personnel and support are not considered privileged communications.
- (c) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (d) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
- (e) A licensed psychotherapist shall be provided by the Bureau to each involved RDA investigator. A licensed psychotherapist may also be provided to any other affected RDA members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (f) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved RDA investigator shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the unit supervisor to make schedule adjustments to accommodate such leave.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer-Involved Shootings and Deaths

306.5.5 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The on scene Bureau Commander should notify Bureau Administration to facilitate the prompt notification to the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

306.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from the Bureau of Investigation may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) RDA supervisors and administrative investigation personnel should not participate directly in any voluntary interview of RDA investigators, nor shall they have any influence on the interview.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved investigators shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents or it is required for impeachment purposes.

306.6.1 REPORTS BY INVOLVED BUREAU INVESTIGATORS

In the event that suspects remain outstanding or subject to prosecution for related offenses, the Bureau shall retain the authority to require involved RDA investigators to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

Officer-Involved Shootings and Deaths

While the involved RDA investigator may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved RDA investigator of the right to consult with legal counsel prior to completing any such criminal report or statement.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

306.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 1. A recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, investigators should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location that is mutually agreed upon where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Bureau of Investigation.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

306.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Bureau of Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Bureau investigators will be assigned to work with investigators

Officer-Involved Shootings and Deaths

from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related Bureau of Investigation reports, except administrative and/or privileged reports, will be forwarded to the designated Bureau of Investigations supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

306.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, the Bureau will conduct an internal administrative investigation of RDA investigators to determine conformance with Bureau policy. The investigation will be considered a confidential investigator personnel file.

Interviews of members shall be subject to Bureau policies and applicable laws (see the Personnel Complaints Policy).

- (a) Any investigator involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening if reasonable suspicion exists that they may be under the influence of alcohol and/or drugs. Absent consent from the investigator, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any investigator has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved investigator.
 1. If a further interview of the investigator is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved investigator shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved investigator has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the investigator's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the investigator shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual investigator's statement, involved investigators shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
 3. Administrative interviews should be recorded by the investigator. The involved investigator may also record the interview (Government Code § 3303(g)).

Officer-Involved Shootings and Deaths

4. The investigator shall be informed of the nature of the investigation. If an investigator refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The investigator shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The assigned Investigator or Supervising Investigator shall compile all relevant information and reports necessary for the Bureau to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Chief of Investigations and he will restrict his findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

306.8 CIVIL LIABILITY RESPONSE

A member of the Bureau of Investigations may be assigned to work exclusively under the direction of the legal counsel for the District Attorney's Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

306.9 DEBRIEFING

Following an officer-involved shooting or death, the Riverside County District Attorney - Bureau of Investigation may conduct both a critical incident/stress debriefing and a tactical debriefing, keeping in mind the potential impacts on future civil litigation that may come out of such a debriefing.

306.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Bureau Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Bureau directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer-Involved Shootings and Deaths

incident. The debriefing shall be closed to the public and should be closed to all other members of the Bureau, including supervisory and Public Integrity Unit personnel.

306.9.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Investigators should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators, or ideally, after the investigation has been completed.

306.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and Bureau representative responsible for each phase of the investigation. Releases will be available to the Chief of Investigations, the appropriate Bureau Commander, and Press Information Officer in the event of inquiries from the media.

The Bureau of Investigation shall not subject any involved RDA investigator to visits by the media (Government Code § 3303(e)). No involved RDA investigator shall make any comment to the media unless he/she is authorized by the Chief of Investigators or a Bureau Commander. Bureau members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

306.11 REPORTING

If the death of an individual occurs in the Riverside County District Attorney - Bureau of Investigation jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Training Bureau Commander will ensure that the Law Office Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

Firearms

307.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

307.2 POLICY

The Riverside County District Attorney - Bureau of Investigation will equip its members with firearms to address the risks posed to the public and bureau members by violent and sometimes well-armed persons. The Bureau will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

307.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Bureau and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized bureau range.

All other weapons not provided by the Bureau, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by bureau policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

307.3.1 HANDGUNS

The authorized bureau-issued handgun is the Glock Model 19 9mm (all generations) or any other department-owned handgun issued as needed.. Department members desiring to carry a personally owned handgun are subject to the regulations in Section 306.3.4.

307.3.2 SHOTGUNS

The authorized bureau-issued shotgun is the Remington 870 12-gauge or any other department-owned shotgun issued as needed. Department members desiring to carry a personally owned shotgun are subject to the regulations in Section 306.3.4.

When not deployed, the shotgun shall be properly secured consistent with bureau training in a locking weapons rack in the patrol vehicle.

Firearms

307.3.3 PATROL RIFLES

The authorized bureau-issued patrol rifle is the Colt AR-15. Additional patrol rifles may be approved by the Chief of Investigations for on-duty use.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with bureau training in a locking weapons rack in the patrol vehicle.

307.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Investigators or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the bureau qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

307.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry bureau or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the bureau list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.

Firearms

- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Bureau.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as bureau issue. If the caliber of the handgun is other than bureau issue, the Chief of Investigators or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the bureau qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

307.3.6 AMMUNITION

Members shall carry only bureau-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all bureau-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Bureau shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from bureau-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

307.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify quarterly with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, training or as directed by the Training Manager. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with annual practical training designed to simulate field situations.

307.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Bureau or personally owned firearms that are approved for bureau use may be repaired or modified only by a person who is bureau-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Firearms

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

307.4.2 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

307.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Bureau, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on bureau premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Bureau to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Bureau or a Rangemaster approved by the Bureau for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

Firearms

307.5.1 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

307.5.2 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Investigators are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

307.6 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.6.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, bureau members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

Firearms

307.6.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

307.7 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to bureau members during hours established by the Bureau.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this bureau to verify proper operation. The Rangemaster has the authority to deem any bureau-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Bureau, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

307.8 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to investigators who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Investigators wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Bureau based on the law and published TSA rules.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Firearms

- (b) Investigators must carry their Riverside County District Attorney - Bureau of Investigation identification card, bearing the investigator's name, a full-face photograph, identification number, the investigator's signature and the signature of the Chief of Investigators or the official seal of the Bureau and must present this identification to airline officials when requested. The investigator should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Riverside County District Attorney - Bureau of Investigation must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the investigator's travel. If approved, TSA will send the Riverside County District Attorney - Bureau of Investigation an NLETS message containing a unique alphanumeric identifier. The investigator must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Investigators authorizing armed travel may also accompany the investigator. The letter should outline the investigator's need to fly armed, detail his/her itinerary, and include that the investigator has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Investigators must have completed the mandated TSA security training covering investigators flying while armed. The training shall be given by the bureau-appointed instructor.
- (f) It is the investigator's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any investigator flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The investigator must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Investigators should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Investigators shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

307.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time investigators of this bureau are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The investigator shall carry his/her Riverside County District Attorney - Bureau of Investigation identification card whenever carrying such firearm.
- (b) The investigator is not the subject of any current disciplinary action.

Firearms

- (c) The investigator may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The investigator will remain subject to this and all other bureau policies (including qualifying and training).

Investigators are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an investigator from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

308.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide investigators with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require investigators to exhibit a high degree of common sense and sound judgment. Investigators must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing investigators.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no investigator or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where bureau policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Investigators must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Investigator's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable investigator would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

308.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an investigator's signal to stop.

308.2 INVESTIGATOR RESPONSIBILITIES

It shall be the policy of this bureau that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide investigators with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

308.2.1 WHEN TO INITIATE A PURSUIT

Investigators are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

Vehicle Pursuits

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to investigators, innocent motorists and others.
- (c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- (d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing investigators familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing investigators under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (l) The bureau unit is carrying passengers other than bureau investigators. Pursuits should not be undertaken with a prisoner in the police vehicle.

308.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the investigator or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Investigators and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

Vehicle Pursuits

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing investigators and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Investigator's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) There are hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, investigators should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

308.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the investigator and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, investigators and supervisors should also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the investigator.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

308.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An investigator or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of investigators involved would be insufficient to safely arrest the suspects. All other investigators should stay out of the pursuit, but should remain alert to its progress and location. Any investigator who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Vehicle Pursuits

308.3.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are generally prohibited from initiating or joining in any pursuit. Investigators in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those investigators should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to investigators using vehicles without emergency equipment.

308.3.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the investigator initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify the Dispatch Center that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the investigator in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary investigator should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

308.3.3 SECONDARY UNITS RESPONSIBILITIES

The second investigator in the pursuit is responsible for the following:

- (a) The investigator in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary investigator, or if the primary unit is unable to continue the pursuit.

Vehicle Pursuits

- (c) The secondary investigator should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

308.3.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Investigators, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, investigators should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Investigators involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

308.3.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Investigators are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

Vehicle Pursuits

308.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

308.3.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

308.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this bureau that available supervisory and management control will be exercised over all vehicle pursuits involving investigators from this bureau.

The supervisor of the investigator initiating the pursuit, or if unavailable, the nearest supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established bureau guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft are requested if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing RDA units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

Vehicle Pursuits

308.5 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary investigator or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary investigator or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.5.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Riverside County District Attorney - Bureau of Investigation is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of investigators at the termination of a pursuit initiated by this bureau shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

308.6 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the bureau unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

308.6.1 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Investigators should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any investigator from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

308.6.2 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Investigators shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary investigator should coordinate efforts to apprehend the suspects following the pursuit. Investigators should consider safety of the public and the involved investigators when formulating plans to contain and capture the suspects.

Vehicle Pursuits

308.7 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

- (a) The primary investigator should complete appropriate crime/arrest reports.
- (b) A Bureau Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary investigator should complete as much of the required information on the form as is known and forward the report to the Bureau Commander for review and distribution.
- (c) After first obtaining the available information, a supervisor shall promptly complete a memorandum, briefly summarizing the pursuit, and submit it to his/her manager. This memorandum should minimally contain the following information:
 1. Date and time of pursuit
 2. Length of pursuit
 3. Involved units and investigators
 4. Initial reason for pursuit
 5. Starting and termination points
 6. Disposition (arrest, citation), including arrestee information if applicable
 7. Injuries and/or property damage
 8. Medical treatment
 9. Name of supervisor at scene
 10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

308.7.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this bureau will participate in regular and periodic bureau training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to investigators and others (Vehicle Code § 17004.7(d)).

308.8 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

Vehicle Pursuits

308.9 POLICY

It is the policy of this bureau to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

Investigator Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations whether dispatched or self-initiated.

309.2 RESPONSE TO CALLS

Investigators dispatched "Code-3" shall consider the call an emergency response and proceed immediately. Investigators responding Code-3 shall continuously operate emergency lighting equipment, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

Responding with emergency light(s) and siren does not relieve the investigator of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren does not provide any exemption from the Vehicle Code.

Investigators should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Investigators not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of investigators, or assistance is needed to prevent imminent serious harm to a citizen. In any event, where a situation has stabilized and emergency response is not required, the requesting investigator shall immediately notify the Dispatch Center.

If circumstances permit, the requesting investigator should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

309.4 INITIATING CODE 3 RESPONSE

If an investigator believes a Code-3 response to any call is appropriate, the investigator shall immediately notify the Dispatch Center. Should another investigator believe a Code-3 response is appropriate, the Dispatch Center shall be notified and the Dispatch Supervisor or Dispatch Supervisor will make a determination as to whether one or more investigators driving Code-3 is appropriate.

Investigator Response to Calls

309.5 RESPONSIBILITIES OF RESPONDING INVESTIGATORS

Investigators shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Investigators shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the investigator. If, in the investigator's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the investigator may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the investigator should immediately notify the Dispatch Center. An investigator shall also discontinue the Code-3 response when directed by a supervisor.

309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an investigator requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall attempt to obtain authorization from the Dispatch Supervisor or in their absence, an Investigative Supervisor, prior to assigning units Code-3. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance
- (b) Immediately notify the Dispatch Supervisor or
- (c) Confirm the location from which the unit is responding
- (d) Notify and coordinate allied emergency services (e.g., fire and ambulance)
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the Dispatch Supervisor.

309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Dispatch Supervisor or the investigations supervisor shall verify the following:

- (a) The proper response has been initiated
- (b) No more than those units reasonably necessary under the circumstances are involved in the response
- (c) Affected outside jurisdictions are being notified as practical

Investigator Response to Calls

The Investigative Supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Dispatch Supervisor, or the investigations supervisor, should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

Officer of the Day Program

310.1 PURPOSE AND SCOPE

Bureau personnel shall take a direct and active role in maintaining safe, smooth, and efficient operations of all offices of the district attorney in areas which encompass the security of office staff and facilities, promoting positive public and community relations, answering citizen's requests for information and problem solving, making referrals to other departments and agencies, and performing a wide variety of other tasks and duties that fall outside their normal areas of responsibility but serve the best interests of the department and the public.

310.2 PROCEDURE

An Officer of the Day (OD) program has been instituted to ensure that an Investigative Technician, as well as a Supervising Investigator, are immediately available during normal business hours to support clerical and reception staff with telephone calls and in-person inquiries from citizens who are seeking information or referrals to other departments and/or agencies regarding legal matters that may or may not directly involve the district attorney's office or its employees.

310.2.1 OFFICER OF THE DAY RESPONSIBILITIES

An Officer of the Day duty schedule shall be prepared monthly by Dispatch personnel, or a designee in the various offices of the district attorney with OD programs. The OD duty is usually for a period of one continuous workday.

- (a) Bureau personnel must be familiar with the OD duty schedule, promptly report for duty on the date and time designated, and remain available until the end of their designated watch.
- (b) It is the responsibility of assigned personnel to immediately notify their supervisor of scheduling conflicts that would prevent them from performing their OD duty as scheduled so that a replacement can be appointed. Only a supervisor or designee can approve any changes to the OD schedule. It is the responsibility of the I.T. or Supervising Investigator to secure a replacement.
- (c) The workday hours for the designated OD may be adjusted from normal duty hours as needed or required. The OD shall be compensated for any overtime worked on the day of assignment in the manner prescribed in the terms and provisions of the current Memorandum of Understanding.
- (d) The OD shall be continuously available within or at the office facility to perform the duties or tasks that may be delegated to them, unless they have been properly relieved of those duties.
- (e) The assigned Supervising Investigator shall be in possession of their badge, weapon, identification card, handcuffs, ASP baton and/or pepper spray and cellular telephone at all times. Additional safety equipment, i.e., special weapons, raid jacket, bulletproof

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer of the Day Program

- vest, etc., need not be worn but shall be readily available at the Supervising Investigator's work site or within their vehicle.
- (f) The OD supervisor shall not leave the immediate area of an office facility for lunch, breaks, or other business unless properly relieved of their duties by a supervisor or their designee.
 - (g) Nothing in this section shall prevent a supervisory investigator or their designee from assigning or delegating a task to the OD to be performed away from the office facility. It is the responsibility of the supervisor or their designee to ensure that an alternate OD is named to assume the duties of the Officer of the Day during their absence.
 - (h) The OD shall be familiar with the location and inventory of special lockers where weapons and other emergency supplies may be stored, and have a key to such storage locations in their immediate possession at all times.
 - (i) The OD or the OD supervisor may be asked to perform other tasks and duties, including but not limited to:
 - 1. Building site security tasks, such as unlocking and locking building doors, making walk-through inspections of alleys, elevators, stairwells, restrooms and parking areas, providing break and lunch relief for private security officers, accepting reports of security violations from employees, writing security, incident reports, etc.
 - 2. Internal investigative tasks, such as following up on reports of damage or vandalism to facilities, investigating employee thefts, documenting loss of department supplies, property, or equipment, etc.
 - (j) The senior investigator assigned to the Blythe office shall be responsible for handling all OD matters originating in that office.
 - (k) Personnel handling OD assignments shall enter a summary and/or description of any relevant citizen contact and any other OD task or duty performed during their watch into CMS.

310.2.2 WE TIP REFERRALS - RIVERSIDE

Incoming We Tip "crime reports" will be initially placed into the officer of the day mailbox, reviewed, and then forwarded to the appropriate unit for filing.

- (a) The officer of the day is responsible to check the mailbox regularly and review all correspondence.
- (b) Crime report referrals listing our office as primary "enforcement agency # 1" will require the officer of the day to forward the We Tip referral to the appropriate agency to handle. (i.e. suspicions of narcotic activity in the city of Moreno Valley. The "crime report" should be forwarded to MVPD for their action and follow-up). The OD may also forward information to the appropriate office investigative unit supervisor (i.e. Elder Abuse complaint) on matters, which are investigated specifically by our office.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Officer of the Day Program

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Riverside County District Attorney - Bureau of Investigation personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to respect the fundamental privacy rights of individuals. Members of this bureau will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this bureau will comply with relevant federal and state law governing the seizure of persons and property.

The Bureau will provide relevant and current training to investigators as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this bureau is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Search and Seizure

Whenever practicable, investigators are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this bureau will strive to conduct searches with dignity and courtesy.
- (b) Investigators should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching investigator, a reasonable effort should be made to summon an investigator of the same sex as the subject to conduct the search. When it is not practicable to summon an investigator of the same sex as the subject, the following guidelines should be followed:
 1. Another investigator or a supervisor should witness the search.
 2. The investigator should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Investigators are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an investigator of the same sex as the person being searched and the identification of any witness investigator

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search and Seizure

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and bureau policy have been met.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Riverside County District Attorney - Bureau of Investigation (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an investigator or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this bureau performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

Temporary Custody of Juveniles

- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

312.2 POLICY

The Riverside County District Attorney - Bureau of Investigation is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Riverside County District Attorney - Bureau of Investigation. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Riverside County District Attorney - Bureau of Investigation:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated except when approved by the supervisor. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Investigators taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

Temporary Custody of Juveniles

These juveniles should not be held at the Riverside County District Attorney - Bureau of Investigation unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the investigator taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

312.4 CUSTODY OF JUVENILES

Investigators should take custody of a juvenile and temporarily hold the juvenile at the Riverside County District Attorney - Bureau of Investigation when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Riverside County District Attorney - Bureau of Investigation without authorization of the arresting investigator's supervisor or the XXX. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Riverside County District Attorney - Bureau of Investigation (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Riverside County District Attorney - Bureau of Investigation. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

312.4.2 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Riverside County District Attorney - Bureau of Investigation unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

Temporary Custody of Juveniles

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Bureau.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating investigator or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the investigator should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

312.5 ADVISEMENTS

Investigators shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether

Temporary Custody of Juveniles

they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

312.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Bureau (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Riverside County District Attorney - Bureau of Investigation (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

312.7 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an investigator shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

312.7.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a bureau facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

Temporary Custody of Juveniles

- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an investigator, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

312.8 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this bureau shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Riverside County District Attorney - Bureau of Investigation Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Law Office Supervisor and the appropriate Bureau of Investigations supervisors to ensure that personnel of those bureaus act within legal guidelines.

312.9 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Administrative Bureau Commander shall coordinate the procedures related to the custody of juveniles held at the Riverside County District Attorney - Bureau of Investigation and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

312.10 CONTACTS WITH JUVENILE SUSPECTS UNDER THE AGE OF 12

Senate Bill 439 mandated effective January 1, 2020 that a new section would be added to Penal Code 602.1.(a). This section mandates that counties use the least restrictive interventions when

Temporary Custody of Juveniles

contacting juveniles under the age of 12 as suspects of a crime. This can be done through school, health, and community-based services. SB 439 also mandates that the juvenile suspect shall be released to their parent, guardian, or caregiver.

Whenever an investigator contacts a juvenile suspect under the age of 12 during a criminal investigation, the investigator must complete an SB 439 Referral Form and submit it to the Riverside Office of Education.

[See attachment: SB 439 Referral Final \(002\).pdf](#)

Senior and Disability Victimization

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Riverside County District Attorney - Bureau of Investigation members as required by law (Penal Code § 368.6).

The Riverside County District Attorney - Bureau of Investigation is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

313.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Bureau protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

Senior and Disability Victimization

- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age
- (i) Financial crimes against elder or dependent adults

313.2 POLICY

The Riverside District Attorney will prioritize the effective prosecution of Elder and Dependent Adult Abuse and Neglect cases by creating a multi-discipline vertical prosecution team composed of a Deputy District Attorney, a Bureau investigator, and a D.A. Victim Witness advocate.

The criminal case will be routed to the Elder Abuse/Neglect Unit when the law enforcement agency with jurisdiction requests prosecution of crimes including a violation of Penal Code 368.

The Deputy D.A. (DDA) will review the request for charges and prosecute the case representing the People of the State of California's interests at all stages of the case. The DDA will keep the handling law enforcement agency informed of the progress of the case and notify both the Bureau investigator and the Victim Advocate. The DDA will facilitate the appropriate protective orders in a criminal case. (CA penal code 136.2, Family Code 6320, 6380 and Welfare and Institutions Code 15657.03.)

The Victim Advocate will be notified by the DDA at the time the case is submitted for filing review that the case is in the office. The advocate will initiate contact with the elderly victim and/or the appropriate supporting agency to provide support to the victim during the prosecution process. The advocate will assist the prosecutor in acquiring appropriate protective orders in a criminal case.

313.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report by the appropriate responding law enforcement agency, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating investigator in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

Senior and Disability Victimization

- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an

Senior and Disability Victimization

autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).

313.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c) (11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

313.4 MANDATORY NOTIFICATION

Members of the Riverside County District Attorney - Bureau of Investigation shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
 - 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Senior and Disability Victimization

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
 4. When a report of abuse is received by the Bureau, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
 - (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
 - (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
 - (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
 - (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
 - (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
 - (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
 1. When a report of abuse is received by the Bureau, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
 - (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
 - (j) When the Bureau receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

Senior and Disability Victimization

The Bureau of Investigations supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

313.5 JURISDICTION

The Riverside County District Attorney - Bureau of Investigation has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this bureau will assist with the responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

313.6 RELEVANT STATUTES

1. Penal Code 368(c) - Inflicting mental pain or physical suffering on an elder or dependent adult.
2. Penal Code 368 (f) - False imprisonment of elderly or dependent adult
3. Welfare and Institutions Code 15610.05 - Abandonment of an elder or dependent adult
4. Welfare and Institutions Code 15610.06 - Removing elder or dependent adult from the state without consent
5. Welfare and Institutions Code 15610.30 - Financial abuse of an elder or dependent adult
6. Welfare and Institutions Code 15610.43 - Isolation without consent of an elder or dependent adult
7. Welfare and Institutions Code 15610.57 - Neglect of an elder or dependent adult
8. Welfare and Institutions Code 15610.63 - Physical abuse of an elder or dependent adult

Senior and Disability Victimization

313.7 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A bureau member appointed by the Chief of Investigators or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

313.8 CHIEF OF INVESTIGATORS RESPONSIBILITIES

The Chief of Investigators or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Bureau and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of bureau support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including bureau protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an investigator's presence, including but not limited to a violation of a relevant protective order, the investigator shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an investigator's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the investigator's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

Senior and Disability Victimization

3. Procedures for first responding investigators to follow when interviewing persons with cognitive and communication disabilities until investigators, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
 - (c) For each bureau protocol, include either a specific title-by-title list of investigator responsibilities or a specific office or unit in the Bureau responsible for implementing the protocol.
 - (d) Ensure an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensure a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to investigators, including a simple and immediate way for investigators to access the policy in the field when needed.
 - (h) Ensure this policy is available to the Protection and Advocacy Agency upon request.

313.9 IN-HOUSE DOCUMENTATION

After completion of the report of suspected adult/elder abuse form, a DAR number will be assigned and the actions of notifying APS will be documented. The completed report of suspected adult/elder abuse form will also be entered into CMS under the DAR number.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent bureau members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Riverside County District Attorney - Bureau of Investigation is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Bureau will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Bureau prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or bureau equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to bureau policy and to a work environment that is free of discrimination.

Discriminatory Harassment

314.3.2 SEXUAL HARASSMENT

The Bureau prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or bureau rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.4 RESPONSIBILITIES

This policy applies to all bureau personnel. All members shall follow the intent of these guidelines in a manner that reflects bureau policy, professional standards, and the best interest of the Bureau and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Investigators, the Personnel Director, or the District Attorney.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

Discriminatory Harassment

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Investigators or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Investigators, the Personnel Director, the District Attorney, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Bureau that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

Discriminatory Harassment

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Investigators, the Personnel Director, or the District Attorney.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Bureau. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Investigators. The outcome of all reports shall be:

- (a) Approve by the Chief of Investigators, the District Attorney, or the Personnel Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the bureau's established records retention schedule.

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Bureau.

Discriminatory Harassment

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

314.7.1 STATE-REQUIRED TRAINING

The Training Manager should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: www.dfeh.ca.gov/shpt/ (Government Code § 12950; 2 CCR 11023).

314.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

314.8 WORKING CONDITIONS

The Administration Bureau Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other County employees who are similarly tasked (2 CCR 11034).

314.9 REQUIRED POSTERS

The office shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Riverside County District Attorney - Bureau of Investigation members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

315.2 POLICY

The Riverside County District Attorney - Bureau of Investigation will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

315.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this bureau. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision that are minor in nature and where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

Child Abuse

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Investigators shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the assigned investigator in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if investigators interviewed the child victim without the presence of a parent or guardian.

Child Abuse

- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, bureau members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the investigator should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this bureau should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the investigator should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the investigator shall ensure that the child is delivered to CPS.

Child Abuse

Whenever practicable, the investigator should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, investigators should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The investigator reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
 - 1. The child has an immediate need for medical care.
 - 2. The child is in immediate danger of physical or sexual abuse.
 - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the investigator shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The investigator reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 - 1. It reasonably appears to the investigator that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 - 2. There is no lawful custodian available to take custody of the child.
 - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, investigators should record the preliminary interview with suspected child abuse victims. Investigators should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an

Child Abuse

investigation. When practicable, investigating investigators should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An investigator should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the assigned investigator should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The investigator should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, investigators should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for investigators to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.9 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

Child Abuse

315.9.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

315.9.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

315.9.3 CACI HEARING OFFICER

The Administrative Commander will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

315.9.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports
- (b) Statements by investigators
- (c) Statements from representatives of the District Attorney's Office
- (d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the

Child Abuse

person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

315.9.5 CHILD DEATH REVIEW TEAM

This bureau should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

315.10 TRAINING

The Bureau should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Standards of Conduct

316.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Riverside County District Attorney - Bureau of Investigation and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

316.2 POLICY

The continued employment or appointment of every member of the Riverside County District Attorney - Bureau of Investigation shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

316.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

316.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Standards of Conduct

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

316.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

316.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any just cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

316.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient office service:

316.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or County manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

Standards of Conduct

316.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Riverside County District Attorney - Bureau of Investigation in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

316.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

316.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this bureau.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this bureau.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

Standards of Conduct

316.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

316.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this bureau.
 - (a) Members of this bureau shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this bureau for personal or financial gain or without the express authorization of the Chief of Investigators or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any bureau property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using bureau resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

316.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Bureau within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Standards of Conduct

316.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on department premises.
 - (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an investigator or authorized personnel official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by County policy, the memorandum of understanding, or the Chief of Investigators.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the memorandum of understanding, or the Chief of Investigators.
- (i) Any act on- or off-duty that brings discredit to this department.

316.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Standards of Conduct

enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Investigators of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

316.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

Standards of Conduct

- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

316.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of bureau information technology resources, including computers, electronic devices, hardware, software and systems.

317.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Riverside County District Attorney - Bureau of Investigation that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Bureau or bureau funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

317.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Bureau in a professional manner and in accordance with this policy.

317.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any bureau computer system.

The Bureau reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Bureau, including the bureau email system, computer network, and/or any information placed into storage on any bureau system or device. This includes records of all keystrokes or Web-browsing history made at any bureau computer or over any bureau network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through bureau computers, electronic devices, or networks.

Information Technology Use

The Bureau shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Bureau may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

317.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

317.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any bureau computer. Members shall not install personal copies of any software onto any bureau computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Investigators or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Bureau while on bureau premises, computer systems or electronic devices. Such unauthorized use of software exposes the Bureau and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of bureau- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

317.4.2 HARDWARE

Access to technology resources provided by or through the Bureau shall be strictly limited to bureau-related activities. Data stored on or available through bureau computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or bureau-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

Information Technology Use

317.4.3 INTERNET USE

Internet access provided by or through the Bureau shall be strictly limited to bureau-related activities. Internet sites containing information that is not appropriate or applicable to bureau use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

317.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Bureau while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access bureau resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

317.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure bureau computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

317.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Bureau involving one of its members or a member's duties, an alleged or suspected violation of any bureau policy, a request for disclosure of data, or a need to perform or provide a service.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Information Technology Use

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the bureau computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

318.1 PURPOSE AND SCOPE

Report preparation is a major part of each investigator's job. The purpose of reports is to document sufficient information to refresh the investigator's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

318.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

318.1.2 OPENING CASES

When an investigator interviews a complainant and is satisfied that a crime has occurred which falls within the investigative policy and jurisdiction of the department, and prosecution is not barred by the statute of limitations, the investigator may initiate a crime report and open a case. This includes, but is not limited to, special investigations, on-sight violations and arrests, and warrant arrests.

318.1.3 DRAWING A CASE NUMBER

Initial reports initiated by our agency require that a DAR/DAI/DAS number be assigned via CMS. When a pre-filing investigative request is made to the bureau based on an investigation initiated and documented by an agency other than the District Attorney's Office, the investigator shall document work done by drawing a DAR/DAI/DAS number and completing an initial report as an Assist Other Department (AOD) report. The originating agency's report number is to be documented on the face sheet as the associated report number (box #2 of the initial report face page).

318.1.4 INITIAL REPORTS

All initial reports must be completed within 10 working days of assignment, or as is appropriate and standard for the assigned detail, and must be reviewed and approved by a supervisor or designee. Once the supervisor has approved the report, it is considered the final version and cannot be edited. The supervisor will return the initialed report to the investigator who is responsible for making copies for the attorney's file and the investigator's file. The investigator is responsible for delivering the original report with the supervisor's initials to the Bureau clerical staff.

Report Preparation

318.1.5 SUPPLEMENTAL REPORTS

Supplemental reports are generated once additional information has been obtained related to a District Attorney's Office initial investigation where an initial report has already been completed. The supplemental report shall be prepared in CMS and will utilize the same case number from the initial report.

318.1.6 INVESTIGATOR'S REPORT

Investigator's reports are generated by an investigator to document investigative work completed that is related to an investigation performed by another agency and filed with the District Attorney's Office. The investigator's report shall be prepared in CMS using the appropriate investigator's report form. The report will utilize the court case (ex: RIF, INF, or SWF) number.

318.1.7 FORWARDING OR TRANSFERRING INVESTIGATIONS

In order to avoid confusion and inadvertently investigating cases outside of the primary jurisdiction of the Bureau of Investigation, the following procedures shall be used. If the unit supervisor determines that an investigation has merit but would likely fall under the jurisdiction of an allied agency, the case will be forwarded to that agency. The supervisor will ensure that no Bureau investigator is assigned and actively working this case. The supervisor will be responsible for sending all pertinent reports and evidence to the agency with jurisdiction, along with a letter of explanation. The supervisor will update the Case Management System (CMS) regarding the case status. CMS notes, flags or other mechanisms currently in place must be used by the supervisor to provide notice of the transfer of the investigation.

The purpose of this sub-section is to ensure that any staff member conducting future inquiries will be alerted to the transfer of the investigation via the case management system.

318.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

318.2.1 CRIMINAL ACTIVITY

When a investigator in the performance of their duties becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy

Report Preparation

4. Senior and Disability Victimization Policy
 5. Hate Crimes Policy
 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report may be referred to the appropriate jurisdictional agency for initial reporting

Misdemeanor crimes where the victim does not desire a report shall be documented using the bureau-approved alternative reporting method (e.g., dispatch log).

318.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (b) Any firearm discharge (see the Firearms and Qualification Policy)
- (c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
- (d) Any found property or found evidence
- (e) Any traffic collisions involving District Attorney personnel (see Traffic Collision Reporting Policy)
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

318.2.3 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Additionally, reports shall be taken involving damage to County property or County equipment.

318.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all investigators and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

Report Preparation

318.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring investigator only with the knowledge and authorization of the reviewing supervisor.

318.5 FILING A COMPLAINT

A member of the bureau who makes application to a deputy district attorney for the issuance of a criminal complaint shall be governed by the same rules as any law enforcement agency seeking a complaint. Cases are generally filed in that office of the district attorney, which has jurisdiction of the area where the crime occurred. With vertical prosecution cases, the case may be filed in the jurisdiction determined by the deputy district attorney filing the case.

- (a) Investigators shall submit all initial criminal investigations to a deputy district attorney for review which will result in:
 - 1. Criminal filing
 - 2. Request for further investigation
 - 3. Written criminal rejection
- (b) Investigators shall not obtain only a verbal case rejection from a deputy district attorney in lieu of an official written criminal rejection

Special and Confidential Investigations

319.1 PURPOSE AND SCOPE

It is the policy of the district attorney that no investigation involving another law enforcement agency, county department, municipal agency or branch of local government shall be conducted without the knowledge, cooperation, request and express consent of the chief, department head, administrator or designee of the agency concerned. Exceptions would include instances of criminal corruption where the actual administration of that entity or agency is involved and cannot be included or notified because of jeopardy to the investigation or when assisting the grand jury where all matters are confidential.

Except under the foregoing criteria, the district attorney does not conduct secret investigations of other agencies.

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

319.2 INVESTIGATIVE CONDUCT

- (a) Conduct of investigative staff at the scene of another agency's investigation, while assisting another agency or during any independent investigation shall be of the highest standards of professional courtesy, cooperation and support.
- (b) The relationship, trust, confidence and integrity of other entities is to be maintained at all reasonable costs, with the exception of those actions necessary to accomplish the mission when all other reasonable means have failed.
- (c) District attorney investigators and investigative staff shall not interfere with, investigate or make inquiries into another agency's investigation under any circumstances unless by official assignment or when requested to assist the agency by a representative authorized to make such a request (case agent, supervisor, department head or their designee).

319.3 INFORMAL OR IN-FIELD REQUESTS

Investigative staff shall exercise reasonable judgment when requests are made for assistance by other agencies at crime scenes during call-outs. Other requests for investigative assistance shall be directed expeditiously via channels to the chief of investigators subject to final approval by the district attorney or designee.

319.4 FORMAL REQUESTS

- (a) Formal requests for investigative assistance in criminal matters involving another agency shall be requested by the agency chief, department head or designee in writing directed to the district attorney or chief of investigators as expeditiously as possible.

Special and Confidential Investigations

In exigent or emergency circumstances, a verbal request by the agency head or designee may be honored with a written request to follow.

- (b) All requests, written or verbal, are subject to approval by the district attorney, the chief of investigators, or their designees.

319.5 SPECIAL INVESTIGATIONS

- (a) No special investigation shall be conducted or initiated without the express approval of the district attorney, the chief of investigators, or their designees. The district attorney may, at his discretion, investigate any matters in any jurisdiction to which criminal or civil penalties apply. His authority in this regard is unlimited and discretionary.
- (b) In all cases, when an initial investigation in another agency's jurisdiction is deemed necessary by the district attorney via the bureau of investigation, the agency shall be informed and afforded the opportunity to participate in or handle the investigation prior to the development of such investigation.
- (c) In matters where an agency refuses, relinquishes, defers or acquiesces responsibility, the district attorney may opt to conduct initial investigations at his discretion.

319.6 JOINT INVESTIGATIONS RESPONSIBILITY

- (a) In all cases of investigative assistance provided by the district attorney to another agency or entity, investigations shall be conducted jointly with the requesting agency through or with a designated representative of that agency.
- (b) Under no circumstances will the district attorney take responsibility or authority of the investigation from the agency, nor will the district attorney take responsibility for the agency except in instances where the agency or its administration are determined to be corrupt or criminally involved.
- (c) The independence and impartiality of determining criminal involvement is the sole and final authority of the district attorney.
- (d) The district attorney shall assume all authority and responsibility for rendering decisions legal opinions and filing of criminal complaints concerning any entity or agency within his jurisdiction.
- (e) No one may institute criminal proceedings without the concurrence and approval of the district attorney (Government Code 26500 and 26501).

319.7 INITIAL INVESTIGATIONS

- (a) The central mission and goals of the district attorney's bureau of investigation are trial preparation and investigation of cases already submitted to the district attorney's office for filing.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Special and Confidential Investigations

- (b) Generally, the district attorney and the bureau of investigation do not conduct initial investigations of routine criminal matters normally handled by local law enforcement agencies except as noted in the Special Prosecutions Unit, Child Recovery Unit, or in instances where other departments, entities or agencies are unable to investigate for reasons of conflict, inability, shortage of manpower, lack of available expertise in specialized fields, or equipment needs.
- (c) Nothing in this policy or procedure is construed to prevent an investigator from exercising their best judgment in assisting another agency in exigent or emergency circumstances when all reasonable means to secure authorization or contact their supervisor have failed.

Media Relations

320.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

320.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Investigators. However, in situations not warranting immediate notice to the Chief of Investigators and in situations where the Chief of Investigators has given prior approval, Assistant Chiefs, Commanders, and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

320.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from the Chief of Investigators or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Investigators.

320.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Press Information Officer or other designated spokesperson.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Media Relations

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Investigators and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Press Information Officer.

320.3.1 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of investigators and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Investigators.

Subpoenas and Court Appearances

321.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Riverside County District Attorney - Bureau of Investigation to cover any related work absences and keep the Department informed about relevant legal matters.

321.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

321.2.1 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

321.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the investigator or by delivery of two copies of the subpoena to the investigator's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an investigator to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named investigator within sufficient time for the named investigator to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named investigator within sufficient time for the named investigator to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Subpoenas and Court Appearances

321.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Riverside County District Attorney - Bureau of Investigation.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Riverside County District Attorney - Bureau of Investigation.

The supervisor will then notify the Chief of Investigators and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Investigators should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

321.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

321.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

321.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

321.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

Subpoenas and Court Appearances

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

321.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

321.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

321.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Mutual Aid and Outside Agency Assistance

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

322.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

322.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Administrative Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Admin Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Investigators may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

322.3.1 INITIATED ACTIVITY

Any on-duty investigator who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Riverside County District Attorney - Bureau of Investigation shall notify his/her supervisor and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

322.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

Mutual Aid and Outside Agency Assistance

322.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the respective supervisor.

322.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Bureau Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Dispatch Center and the Administrative Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Major Incident Notification

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

323.2 POLICY

The Riverside County District Attorney - Bureau of Investigation recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

323.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Investigators and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Riverside official
- Arrest of a department employee or prominent Riverside official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

323.4 BUREAU EMPLOYEE RESPONSIBILITY

The appropriate bureau employee is responsible for making the notifications. The Bureau Employee shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Bureau Employee shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

323.4.1 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate investigator.

Major Incident Notification

323.4.2 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

323.5 NOTIFICATION MATRIX

See attachment: [Major Incident Notification Guide1.pdf](#)

Limited English Proficiency Services

324.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

324.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Riverside County District Attorney - Bureau of Investigation, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

324.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

324.3 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues

Limited English Proficiency Services

involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other County departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

324.4 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

324.4.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.

Limited English Proficiency Services

- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

324.5 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

Off-Duty Law Enforcement Actions

325.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an investigator as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for investigators of the Riverside County District Attorney - Bureau of Investigation with respect to taking law enforcement action while off-duty.

325.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Investigators should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Investigators are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, investigators should first consider reporting and monitoring the activity and only take direct action as a last resort.

325.3 FIREARMS

Investigators of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty investigators shall also carry their department-issued badge and identification.

Investigators should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any investigator who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the investigator's senses or judgment.

325.4 DECISION TO INTERVENE

There is no legal requirement for off-duty investigators to take law enforcement action. However, should investigators decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

Off-Duty Law Enforcement Actions

- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty investigator were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty investigator to be misidentified by other peace officers or members of the public.

Investigators should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

325.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary the investigator should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty investigator is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the investigator should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed.

325.5 REPORTING

Any off-duty investigator who engages in any law enforcement activity, regardless of jurisdiction, shall notify their supervisor as soon as practicable. The supervisor, in consultation with his bureau commander, shall determine whether a report should be filed by the employee.

Investigators should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Electronic Storage Detection (ESD) Canine

326.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of an Electronic Storage Detection (ESD) canine assigned to the Riverside County Child Exploitation Team (RCCET). This canine has been specially trained to detect a universal scent found in almost all electronic components and will be utilized by the RCCET and its affiliates during investigative actions and operations.

326.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that the handler and canine meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives as outlined in this policy.

326.3 COMMAND AND CONTROL

The RCCET is managed and led by the Riverside County District Attorney - Bureau of Investigation. The ESD Canine team is overseen and coordinated by the RCCET Commander. The daily operation of the ESD canine team is supervised by the RCCET Supervising Investigator.

326.4 CANINE COORDINATORS

ESD Canine Manager: The RCCET Commander's responsibilities include but are not limited to administrative management of the canine program, maintaining records and documentation, and managing the fiscal budget.

ESD Canine Supervising Investigator: The RCCET Supervising Investigator responsibilities include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy
- (b) Oversight of team deployments
- (c) Identify training issues and other needs of the program, as well as the training schedule
- (d) Maintaining liaison with Bureau of Investigations Command staff
- (e) Maintaining accurate records to document canine activities
- (f) Management of demonstration requests
- (g) Recommending and overseeing the procurement of equipment and services for the handler and canine
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities
- (i) Annual inspection of vehicles and home kennels
- (j) **Management and review of all canine related Procurement Card (P-Card) usage including any available funding for training, maintenance, and equipment from outside sources.**

Electronic Storage Detection (ESD) Canine

- (k) Selection of new ESD canines

326.5 REQUESTS FOR ESD CANINE

Requests for ESD canine assistance from Bureau personnel or outside agencies can be made through DA Dispatch, contact with the RCCET Supervising Investigator, or direct contact with the canine handler. All such requests for the use of the ESD canine must be approved by the RCCET Supervising Investigator. No requests will be approved that are not consistent with this policy.

The handler and canine may be asked to assist with off-duty call outs. The handler is not required to respond but may agree if available. The handler will brief the RCCET Supervising Investigator who will decide to deploy the canine or wait until normal on-duty hours.

326.5.1 USE AND DEPLOYMENT

The handler will be deployed to assist with all RCCET Operations and will deploy the canine when requested. When the canine is not in use during the course of an operation or investigation it will remain secure on-scene in a safe environment until deployed with the handler's supervision.

In certain circumstances the canine may be deployed on-scene to provide comfort and assistance to victims, particularly children. The handler will consult with the case investigator, scene supervisor, and a consenting adult (if applicable) prior to deploying the canine for comfort, in order to confirm that such a deployment is allowable and justified.

The canine team will deploy throughout Riverside County.

- (a) No person, without proper certification, will deploy or work as an ESD canine.
- (b) It is the handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable.
- (c) The handler is responsible for knowing the capabilities of the canine and the handler is responsible for the outcome of their activities.
- (d) The handler shall have the authority to decline the use of the canine whenever the handler deems deployment is unsuitable.
- (e) The handler will ensure that the RCCET Supervising Investigator is apprised of all on-duty or off-duty deployments, regardless of the time of day.

The RCCET Supervising Investigator shall work with the handler to plan and approve requests for public relations demonstrations by the canine. The Bureau recognizes that the ESD canine program can be an important component of its community outreach efforts. Outreach and public relations events will not be approved if they conflict with any investigative or operational action.

326.6 EQUIPMENT

The canine will be assigned a Riverside County District Attorney - Bureau of Investigation badge to be displayed on harnesses while on -duty. Minimum equipment to be assigned to individual canine handlers shall include:

- (a) Assigned vehicle for the handler that is suitable and outfitted for a canine

Electronic Storage Detection (ESD) Canine

- (b) K-9 specific ESD harness
- (c) Two kennels for home and office
- (d) A plastic travel crate
- (e) Collars and leashes appropriate to assigned K-9 duties
- (f) First aid kit
- (g) Food bag and water bowl
- (h) Other equipment to be assigned as needed per requirement of training or function.

Equipment will be maintained and cared for by the handler. It is the handler's responsibility to notify the RCCET Supervising Investigator in the event that equipment becomes damaged or outdated. The District Attorney's Office will be the primary funding source for all costs associated with the canine, unless RCCET grant funds or other funding sources are available.

The handler will be assigned a vehicle on a fulltime basis for transport of the canine during normal business hours, for off-duty deployments, and to train and care for the canine. The handler will ensure that the vehicle is secure when not in use.

326.6.1 UNATTENDED ESD CANINE

As a general rule, while on-duty, the canine should not be left unattended for an extended period of time.

- (a) When not under the immediate control of the respective handler, the canine should be secured in a Bureau approved kennel or inside a properly equipped canine vehicle.
- (b) When a canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.
- (c) Occasionally it may be necessary to leave the ESD canine unattended in the vehicle for a period of time. The precautions that should be followed include parking in sufficient shade during hot weather, running the vehicle air conditioning, and supplying water. Rolling down windows may also be necessary and the Heat Sensor Alarm System should be activated.
- (d) The Handler shall check on the canine at least once per hour to look for any signs of distress.

326.6.2 REPORTING DOG BITES

In the unlikely event of a dog bite or other injury caused by an ESD canine, on or off-duty, the handler shall notify the RCCET Supervising Investigator as soon as possible. The handler shall also report the incident to the County's Department of Animal Services within 24 hours.

- a. The injured person shall be promptly treated by emergency services personnel and if appropriate, transported to a medical facility for further treatment.
- b. If the injured party is a juvenile, the handler or other law enforcement personnel shall attempt to contact a parent or legal guardian to obtain authorization for medical treatment.

Electronic Storage Detection (ESD) Canine

- c. The individual's injured and uninjured areas shall be photographed as soon as practicable after first attending to the immediate needs of the injured person.
- d. Quarantines of law enforcement canines that have bitten a person are prohibited under Health & Safety Code 121685.
- e. Animal Services officers are authorized to investigate bites and examine the ESD canine at a reasonable time.

326.7 HANDLER SELECTION

The minimum qualifications for the assignment of ESD canine handler include:

- (a) An investigator who is currently off probation and has a satisfactory discipline and performance record.
- (b) Residing in a suitable residence to allow for the care and control of the canine during off-duty hours while assigned as an ESD canine handler.
- (c) Willingness to conduct child exploitation related investigations
- (d) Agree to remain in this assignment for a minimum of three years.

326.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- (a) The handler and the canine will be assigned to assist and supplement the RCCET in searching for electronic devices during field operations. In certain circumstances the canine may be deployed on-scene to provide comfort and assistance to victims, particularly children when appropriate.
- (b) Knowing the capabilities of the canine and taking responsibility for the outcome of their activities.
- (c) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (d) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (e) When not in service, the handler shall maintain the canine vehicle in a secure location, away from public view.
- (f) Handlers shall permit the canine coordinators, when given reasonable notice, to conduct on-site inspections of the home kennel as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (g) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator(s) as soon as possible.

Electronic Storage Detection (ESD) Canine

- (h) When off-duty, the canine shall be in a kennel provided by the Bureau, at the home of the handler. However, the canine may be let out of the kennel while under the direct control of the handler.
- (i) All gates at the handler's home shall be secured with a lock when the canine is present.
- (j) The canine should be permitted to socialize in the home with the handler's family, preferably under the direct supervision of the handler.
- (k) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator.
- (l) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator.
- (m) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.
- (n) Keeping the canine on a leash when in areas that allow access to the public. The exception to this rule would include specific law enforcement operations for which the canine is trained.
- (o) Never leaving the canine alone in an area in which the public may have access.
- (p) Properly securing all windows and doors of the canine vehicle in such a manner as to prevent unauthorized access to the canine.
- (q) Always ensuring that an unattended canine vehicle remains inhabitable for the canine

326.8.1 HANDLER DUTIES

During normal duty hours when not deployed, the canine handler will perform investigative functions as an investigator assigned to the RCCET. These functions will include the continued proactive and assigned investigations of Internet Crimes Against Children (ICAC) related matters, including but not limited to: Cybertipline Reports received from the National Center for Missing and Exploited Children (NCMEC), peer to peer networks, undercover chat investigations, citizen complaints, law enforcement referrals, and PC 290 related investigations and enforcement actions. Other duties include:

- (a) Maintaining accurate records regarding training and certification of the canine and provide copies of all training records to the RCCET Supervising Investigator.
- (b) Maintaining detailed records of all deployments for service involving the use of the canine including the date, time, location of search, agency requesting the canine, results of the search, and any incidents (if applicable).
- (c) **Maintaining detailed records of all canine related Procurement Card (P-Card) purchases and usage of funds from outside sources; and preparing monthly P-Card Payment Packages for submission to DA Accounting for payment.**
- (d) A brief synopsis of each deployment will be provided to the RCCET Supervising Investigator for inclusion in the monthly reports and grant reports.

Electronic Storage Detection (ESD) Canine

The handler will work with the RCCET Supervising Investigator to ensure that the canine's activities are promoted and publicized as part of the Task Force's overall mission of education and community outreach.

326.9 HANDLER COMPENSATION

The canine handler's specialty pay and compensation for performing canine duties on/off duty shall be in accordance with the Canine Pay provisions enumerated in the Terms and Conditions of Employment between the County of Riverside and the Riverside Sheriffs' Association.

326.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the RCCET Supervising Investigator as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained by the RCCET Supervising Investigator.

The ESD canine handler shall have current rabies vaccinations/inoculations for the canine on file.

326.11 INITIAL TRAINING AND CERTIFICATION

The canine handler must be willing to participate in an intensive initial two-week period, followed by maintenance training to ensure that both the handler and the canine maintain their skills and meet objectives.

The initial training and certification of the canine will be conducted by Jordan Detection K-9 located in Indianapolis, IN. Canines will be trained to work through numerous types of environmental issues, and discriminate and locate many types of electronic devices.

326.11.1 CANINE MAINTENANCE TRAINING AND RE-CERTIFICATION

Ongoing maintenance training shall be necessary to ensure that the handler and canine continue to meet RCCET standards. This training is crucial to the effectiveness of the canine by ensuring readiness of the handler and their dog. Ongoing training shall be conducted while on-duty, to include but not limited to:

- (a) Individual daily training shall be consistent with the training protocol recommended by Jordan Detection K-9.
- (b) The training shall be realistic and scenario based, and shall emulate the actual encounters likely to occur.
- (c) The handler and the canine will be permitted to train with other canine handlers and/or groups when training does not conflict with other investigative or operational duties, and when the training has been approved by the RCCET Supervising Investigator.

Canine handlers will be required to re-certify annually at a recertification location under the direction of Jordan Detection K-9.

Electronic Storage Detection (ESD) Canine

326.11.2 RESTRICTIONS

It is important that the handler understand the civil liability potential incurred by the Bureau when a canine is deployed. The handler has responsibility for the ESD canine and its actions. To limit liability, the following restrictions apply:

- (a) Handlers will work to ensure they maintain short leash control of the canine at all times, unless the canine is engaged in electronic scent detection work or is within the RCCET office area.
- (b) Use of the canine is restricted to electronic scent detection during the course of the RCCET related investigations/operations or community outreach public events. Any other requests should be approved by the RCCET Supervising Investigator.
- (c) Handlers must not use the canine to threaten or harass subjects, for crowd control, bite work, or any other capacity outside of the canine's training.
- (d) Handlers may not misrepresent the canine's abilities to subjects, witnesses, or the general public to force compliance or to gain information during the course of an investigation.
- (e) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved by the RCCET Supervising Investigator.
- (f) Only trained personnel will be permitted to feed the canine when the canine is on-duty. Only trained personnel may give the canine commands both on and off-duty. The certified handler will train an alternate handler to assist with these duties during vacations and absences.

Chapter 4 - Field Operations

Bias-Based Policing

400.1 PURPOSE AND SCOPE

This policy provides guidance to bureau members that affirms the Riverside County District Attorney - Bureau of Investigation's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the bureau's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

400.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

400.2 POLICY

The Riverside County District Attorney - Bureau of Investigation is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this bureau to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

400.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an investigator from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

400.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

Bias-Based Policing

400.4 MEMBER RESPONSIBILITIES

Every member of this bureau shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

400.4.1 REASON FOR CONTACT

Investigators contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved investigator should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any investigator to document a contact that would not otherwise require reporting.

400.5 COMPLAINTS

Any person who believes they have been subject to racial or other biased policing may file a complaint with the Riverside County District Attorney's Office.

Complaints can be filed at any of the branch offices, at the front desk reception lobby.

- (a) No person who believes they have been subjected to racial or other biased-based policing shall be discouraged, intimidated, or coerced from filing such a complaint.
- (b) No person will be discriminated against or subjected to retribution because they have filed such a complaint.

400.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this bureau will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this bureau are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this bureau who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

Bias-Based Policing

400.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Administrative Commander shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against investigators is collected and provided to the Law Office Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Law Office Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

Crime and Disaster Scene Integrity

401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

401.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

401.3 SCENE RESPONSIBILITY

The first investigator at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Investigators shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an investigator has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the investigator shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

401.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access/exit of the crime scene.

Crime and Disaster Scene Integrity

401.5 SEARCHES

Investigators arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once investigators are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Investigators should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

401.5.1 CONSENT

When possible, investigators should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Special Activities Unit

402.1 PURPOSE AND SCOPE

This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

The Special Activities Unit (SAU) is dedicated to the protection of all those involved in the investigative and prosecutorial endeavors of the District Attorney's Office. Committed to the highest standards of professionalism, readiness, and flexibility, we strive to provide reliable specialized law enforcement services to the District Attorney's Office and allied law enforcement agencies.

402.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

In keeping with the Bureau of Investigation Mission and Goals Statement, the Special Activities Unit is created to support all prosecutorial and investigative components within the District Attorney's Office. The Specialized Activities Unit shall have four primary functions:

- (a) Witness protection
- (b) Protection of the District Attorney, district attorney personnel (Policy 411), and dignitaries
- (c) Surveillance - Specialized capabilities in surveillance techniques, surveillance equipment, protection methods, and weapons
- (d) Search and Arrest warrant service

Generally, the Bureau of Investigation conducts follow-up investigations based upon the cases submitted to the District Attorney's Office by local agencies and county departments, however, several units within the Bureau are involved in enforcement actions and the initiation of original investigations. These investigations and enforcement actions occasionally culminate in search and arrest warrants involving locations and persons that pose a level of difficulty or danger that exceeds the capabilities of individual district attorney investigators.

402.1.2 SAU TEAM DEFINED

The SAU team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, high risk surveillance, witness and dignitary protection, and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-

Special Activities Unit

risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

402.1.3 TEAM COMPOSITION

The Special Activities Unit is comprised of sworn investigators from the Bureau of Investigation. The team is broken down to include bureau commander(s), supervising investigators, team leader(s), assistant team leader(s), operators and tactical emergency medic(s). The bureau commander(s) serve as the unit commander(s) and are responsible for the management of the team. The supervising investigators, team leader(s) and assistant team leader(s) will function in a peer leadership role for the unit. The medic(s) will maintain the appropriate training and equipment to provide this function.

The Special Activities Unit falls under the purview of the Administrative Assistant Chief. The commander(s) in charge of SAU will report directly to the Administrative Assistant Chief.

Service on the Special Activities Unit is done on a purely voluntary basis. SAU members may be removed from the team at the discretion of the Chief of Investigators at any time.

402.2 LEVELS OF CAPABILITY/TRAINING

402.2.1 LEVEL II

SAU in an intermediate level team that is capable of providing containment and intervention. SAU team members may or may not work together on a daily basis, but are intended to respond to incidents as a team.

402.3 POLICY

It shall be the policy of this department to maintain an SAU team and to provide the equipment, manpower, and training necessary to maintain an SAU team. The SAU team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

402.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SAU missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SAU Commander or his/her designee.

Special Activities Unit

402.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

These operational guidelines shall be developed in accordance with the determination of SAU's level of capability, using sound risk reduction practices. Although SAU is not a SWAT team, the operational procedures will be patterned after the National Tactical Officers Association suggested SWAT Best Practices. Because such procedures are specific to SAU members and will outline tactical and officer safety issues, they are not included within this policy.

402.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SAU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SAU operations (time permitting).
 - 1. All SAU team members should have an understanding of operational planning.
 - 2. SAU team training should consider planning for both spontaneous and planned events.
 - 3. The SAU team should incorporate medical emergency contingency planning as part of the SAU operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include other specialized units and supporting resources.

Special Activities Unit

- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SAU.
- (e) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (f) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (g) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SAU team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved investigators have had the opportunity to individually complete necessary reports or provide formal statement.
 - (c) When appropriate, debriefing should include specialized units and resources.
- (h) Sound risk management analysis.
- (i) Standardization of equipment deployed.

402.4 TRAINING NEEDS ASSESSMENT

The SAU Commander shall conduct an annual SAU Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

402.4.1 INITIAL TRAINING

SAU team operators and SAU supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

Special Activities Unit

402.4.2 UPDATED TRAINING

Appropriate team training for the specialized SAU functions and other supporting resources should be completed prior to full deployment of the team.

SAU team operators and SAU supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

402.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SAU function at the organizational level to ensure personnel who provide active oversight at the scene of SAU operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SAU command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

402.4.4 SAU ONGOING TRAINING

All team members must maintain a certain level of physical fitness and operational competency. These are based on incumbent performance standards, which must be successfully applied to all operational team members. This standard also applies to command level personnel. Failure to maintain standards may result in a continual degradation of team competency, which could result in operational failure.

Training shall be coordinated by the SAU Commander. The SAU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) On-going mandatory team training shall be conducted a minimum of eight hours per month and should be coordinated by the SAU Commander(s).
- (b) Each SAU member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (c) Any SAU team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (d) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (e) Quarterly, each SAU team member shall perform the mandatory SAU handgun and long gun qualification course. The qualification course shall consist of the SAU Basic

Special Activities Unit

Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SAU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

402.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

402.4.6 SCENARIO BASED TRAINING

SAU should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

402.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Manager. Such documentation shall be maintained in each member's individual training file. A separate agency SAU training file shall be maintained with documentation and records of all team training.

402.5 UNIFORMS, EQUIPMENT, AND FIREARMS

402.5.1 UNIFORMS

SAU members shall wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

402.5.2 EQUIPMENT

SAU should be adequately equipped to meet the specific mission(s) identified by the agency.

402.5.3 FIREARMS

Weapons and equipment used by SAU, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

402.5.4 OPERATIONAL READINESS INSPECTIONS

The SAU Commander shall appoint a Team Leader to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SAU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained by SAU members, and equipment maintained or used in SAU vehicles.

402.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the SAU shall be selected by the Chief of Investigators upon recommendation of staff.

Special Activities Unit

402.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Investigators, through the Administrative Assistant Chief, the SAU shall be managed by a Bureau Commander.

402.6.2 TEAM SUPERVISORS

The SAU will be supervised by supervising investigators.

The team supervisors shall be selected by the Chief of Investigators upon specific recommendation by staff.

The following represent the supervisor responsibilities for SAU.

- (a) The SAU supervisor's primary responsibility is to supervise the operations of the SAU Team, which will include deployment, training, first line participation, and other duties as directed by the SAU Primary Commander.

402.7 TRAINING AND REVIEW

The following procedures serve as directives for the administrative operation of the SAU.

402.7.1 SELECTION OF PERSONNEL

Interested sworn personnel who have completed their initial three month training period shall submit a memorandum to their appropriate Bureau Commander, a copy of which will be forwarded to the Administrative Assistant Chief.

SAU team performance is based on selecting and retaining the most qualified applicants for the job. This is the critical foundation upon which the team's performance rests. The selection process is based on performance standards, which constitute a minimum acceptable level of skill and physical fitness standards. The good judgment and physical abilities of each candidate are thoroughly considered.

Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of the SAU.
- (c) Effective communication skills.
- (d) Special skills, training, or appropriate education as it pertains to the SAU's function.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.
- (f) The candidate must demonstrate a sufficient level of physical fitness, firearms proficiency, and operational competency by successfully completing the SAU performance standards set forth in the operational procedures manual.

Special Activities Unit

402.7.2 QUALIFICATION PROCESS

The qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SAU Commander. The testing process will consist of a physical fitness qualification (PFQ), SAU basic handgun qualification, and team evaluation.

- (a) Physical Fitness Qualification (PFQ): The physical fitness qualification is designed to determine the physical capabilities of the applicant as it relates to performance of SAU related duties. The test and scoring procedure will be established by the SAU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position. The applicant may re-mediate once within thirty days for any area failed.
- (b) SAU basic handgun: Candidates will be invited to shoot the SAU Basic Drill for the handgun. A minimum qualifying score of 45 out of a possible score of 50 must be attained to qualify. The applicant may re-mediate once within thirty days for failing to qualify.
- (c) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team. A list of successful applicants shall be submitted to the Chief of Investigators, by the SAU Commander, for final selection.

402.7.3 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SAU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SAU members. Any member of the SAU who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

402.7.4 POLICY REVIEW

Once every 12 months, the SAU management will review this policy and the operational procedure manual to ensure all subjects covered are current with Bureau needs, case law, and industry standard. After this review, the SAU Commanders will create a management report outlining their findings, as well as a summary of SAU activity for the year.

A needs assessment should be conducted to determine the type and extent of SAU missions and operations appropriate to the Bureau. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SAU Commanders or their designee.

402.7.5 AFTER ACTION REPORTS

At the conclusion of any SAU related event, the team will gather with all involved to debrief the incident. A team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices. Debriefings should not be conducted until involved

Special Activities Unit

investigators have had the opportunity to individually complete necessary reports or provide formal statements. In order to maintain candor and a meaningful exchange, debriefings will generally not be recorded. When appropriate, the debriefing should include the non-SAU personnel involved in the incident.

Depending on the severity of the incident, command level personnel may consider offering psychological counseling to team members and those involved in the incident.

Not all events require the need for an after action document and only those reflected below should be considered for documentation:

1. Extended deployments
2. Events requiring use of force
3. Unusual circumstances
4. Events resulting in excessive damage
5. Other as identified by command personnel

All after action reports will be completed by one of the SAU Commanders and will be kept on file with all other departmental after actions on the Bureau's network drive for a period determined by the Chief of Investigators.

402.8 OPERATION GUIDLINES FOR SAU RESPONSE

The following procedures serve as guidelines for the operational deployment of the SAU.

All requests for utilization of the SAU shall be made with specific detail and demonstrated necessity to the SAU Commander.

402.8.1 ON-SCENE DETERMINATION

All investigators shall use a threat matrix to determine the level of risk when serving search and arrest warrants and probation and parole compliance checks in compliance with Policy 409. The threat matrix may be used to determine the level of risk on surveillances.

402.8.2 APPROPRIATE SITUATIONS FOR USE OF SAU

The following are examples of incidents which may result in the activation of the SAU:

- (a) Threats to the District Attorney, his staff, or witnesses or victims.
- (b) High risk or complex surveillances.
- (c) Searches of locations containing dangerous persons.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Special Activities Unit

402.8.3 OUTSIDE AGENCY REQUESTS

Requests by investigators for assistance from outside tactical units must be approved by the SAU Commander and the Chief of Investigators. Deployment of the Riverside County District Attorney - Special Activities Unit in response to requests by other agencies must be authorized by the Chief of Investigators.

402.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SAU, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional tactical operation will regularly be conducted; tactical multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the Riverside County District Attorney - Special Activities Unit shall operate under the policies, procedures and command of the Riverside County District Attorney - XXX when working in a multi-agency situation.

402.8.5 MOBILIZATION OF CRISIS RESPONSE UNIT

Any Bureau Commander or supervisor may make a request to the SAU Commander for use of the Special Activities Unit. If unavailable, a team leader shall be notified. A current mobilization list shall be maintained by the SAU Commander. The SAU Commander will then notify the Chief of Investigators as soon as practical.

The Bureau Commander or supervisor shall ensure a threat matrix is completed and should advise the SAU Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the location is fortified or barricaded.
- (c) The type of crime involved.
- (d) If the suspect has threatened or attempted suicide.
- (e) Any other important facts critical to the immediate situation.

The SAU Commander or supervisor shall assign a team member to prepare an operations plan.

402.8.6 ON-SCENE COMMAND RESPONSIBILITIES

Once the Chief of Investigators authorizes deployment, the SAU Commander will be responsible for the tactical portion of the operation.

Special Activities Unit

402.9 LEVELS OF ACTIVATION

All requests for utilization of the unit shall be made with specific detail and demonstrated necessity to the SAU Commander for review and approval. The unit shall only be activated by the Chief of Bureau of Investigation or his designee.

The activation of SAU will fall into three levels of activation for search and arrest warrants.

402.9.1 LEVEL 1 ACTIVATION

This will require a full or partial team deployment based on the tactical assessment by SAU command staff. Deployment of tactical weapons (MP5/AR15, less lethal FN303/taser) are needed but will depend on the threat level assessment of the overall mission. The uniform for this level shall be full BDU's, ballistic helmets, and LBV's. At least one tactical medic is required on all deployments.

Examples for a Level 1 activation include but are not limited to:

- (a) The suspect(s) are believed to be armed
- (b) The search or arrest warrant is for a crime against person
- (c) The suspect(s) may resort to the use of weapons if confronted with arrest or warrant service. This must be supported by reliable facts to support the threat
- (d) Entry to the location may be hazardous or impeded by booby-traps, alarm systems, reinforced-fortified doors, or other dangerous impediments
- (e) Suspect(s) with violent criminal history or documented gang members.
- (f) The suspect(s) are wanted for a felonious assault on a peace officer involving weapons, has prior contacts/convictions for violence against peace officers, or is a three strikes candidate with convictions for violence
- (g) The target location is too large and complicated as to cause tactical concerns (multiple structures, cross-fencing, high-ground, etc.)
- (h) The target location has sophisticated counter surveillance measures in place (CCTV, audio/ motion detection, lookouts, etc.)

402.9.2 LEVEL 2 ACTIVATION

This will require a partial team deployment based on the tactical assessment by SAU command staff. Deployment of tactical weapons may not be needed at this level. The uniform for this level may be full BDU's, business casual, business suits, or other dress depending on the circumstances. A LBV or raid vest must be worn which clearly identifies the team member as a "police officer" when appropriate.

Examples for a Level 2 activation include but are not limited to:

- (a) An open suspect business where a potential threat exists but does not rise to the Level 1 standard.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Special Activities Unit

- (b) The suspect(s) have access to firearms or firearms registered to them.
- (c) Suspect(s) with an extensive criminal history, current felony probation or parole status
- (d) The target location is large and complicated as to cause tactical concerns (multiple structures, cross-fencing, high-ground, etc.)

402.9.3 LEVEL 3 ACTIVATION

Level 3 is reserved for the lowest level of search/arrest warrants where SAU is consulted for tactical consideration only and not used in the operation. A team leader or senior member of SAU will assist the investigator with the tactical planning and personnel placement. Examples for a Level 3 activation include but are not limited to:

- (a) The target location has tactical concerns for a safe service but does not rise to Level 1 or Level 2.
- (b) Any situation where the investigator wants assistance with the tactical planning to ensure a safe operation.

402.10 ACTIVATION AND DEPLOYMENT CONSIDERATIONS

- (a) In the event of an emergency or quickly evolving event, any Commander may authorize the activation of SAU, but shall be required to notify the Chief of Investigators as soon as practical.
- (b) Only under emergency or exigent circumstances may an individual member of SAU deploy the special equipment assigned to him or her without the approval of SAU management. The SAU team member shall notify an SAU commander as soon as practical.
- (c) The tactics used to accomplish these missions will be formulated on an individual, case-by-case basis, based upon the known, verified facts of each case and upon the totality of the circumstances. The SAU Commander(s) along with the SAU supervisors and team leaders will meet and develop these parameters.
- (d) The tactics used, number of personnel involved, and level of force will be commensurate with the seriousness of the crime, the perceived potential for violent resistance and risk of harm to investigators, suspects and innocent bystanders. The SAU Commander(s) along with the SAU supervisors and team leaders will meet and develop these parameters.
- (e) Forced entry into any occupied premises may be used when legally permissible and other options have been considered / attempted and fail, or are precluded.
- (f) Tactics that would encourage or are likely to provoke violent resistance should be avoided.
- (g) Arrests, when deemed to give a tactical advantage, should be made outside of or away from the home or premises prior to conducting a search.

Special Activities Unit

- (h) All personnel involved in the mission who will potentially come into contact with suspects, bystanders, or other civilians who are not in uniform shall be clearly identifiable from all directions as peace officers.

402.11 PROTOCOL FOR INVESTIGATORS REQUESTING SAU

Investigators shall adhere to the following when evaluating the use of the SAU for dignitary and witness protection, search and arrest warrants, probation and parole searches, and surveillances.

402.11.1 DIGNITARY/WITNESS PROTECTION

The SAU team shall be used when any of the following apply:

- (a) A credible threat to the security of the District Attorney, a Deputy District Attorney, or any other staff has been made
- (b) A domestic or foreign VIP is pre-scheduled to visit the District Attorney's Office or a District Attorney sponsored event
- (c) The VIP's protective agency requests additional protection or services.
- (d) A credible threat to the security of a witness or victim to include any witness or victim placed into CAL-WRAP
- (e) Extended protection of a witness or victim of a criminal case. This includes around the clock protection.
- (f) Any in-custody witness or victim where the witness/victim has been released to the protective custody of the District Attorney's Office for the purpose of testifying in court, where there is a credible threat or significant security concern for the witness/victim.
- (g) Special transportation or housing issues of the witness to include but not limited to: overnight housing, exigent security or threat concerns for the witness, or transport on a commercial airline where there is safety or flight risk issues.

402.11.2 SEARCH WARRANT SERVICE

The SAU team shall be consulted when any of the following apply:

Threat Matrix Score

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
- (d) Mandatory SAU consultation

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Special Activities Unit

1. SAU in any points box equals mandatory SAU Commander or designee consultation
2. Scoped or Assault Rifle
3. Armed mentally unstable person
4. P.C. 187 suspect

EXCEPTION:

- (a) Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy.

402.11.3 ARREST WARRANT SERVICE

The SAU team shall be consulted when any of the following apply:

Threat Matrix Score

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
- (d) Mandatory SAU consultation
 1. SAU in any points box equals mandatory SAU Commander or designee consultation
 2. Scoped or Assault Rifle
 3. Armed mentally unstable person
 4. P.C. 187 suspect

EXCEPTIONS:

- (a) Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation or a Matrix checklist.
- (b) Investigators assigned to serve DCSS misdemeanor warrants do not require SAU consultation or an Matrix checklist when the following criteria are met: The warrant resulted from a DCSS investigation and is for the following sections: A) CCP 491.160, B) CCP 708.170, C) PC 270, and D) PC 166(a)(1). The investigator has submitted a warrant service packet to their Commander and the Commander has approved the warrant service packet. The investigator is required to include in the warrant service

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Special Activities Unit

packet computer check of: a) Persons at, or potentially at, the residence, b) Suspects, and c) The target location, for any dangers.

- (c) Investigators assigned to serve misdemeanor warrants for a victim or witness of domestic violence do not require SAU consultation or an Matrix checklist when the following criteria are met: The warrant resulted from a domestic violence investigation and is for the following sections: A) CCP 1209 or B) CCP 1993. The investigator has submitted a warrant service packet to their Commander and the Commander has approved the warrant service packet. The investigator is required to include in the warrant service packet computer check of: a) Persons at, or potentially at, the residence, b) Suspects, and c) The target location, for any dangers.

402.11.4 PROBATION/PAROLE SEARCH

The SAU team shall be consulted when any of the following apply:

Threat Matrix Score

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
 - d) Mandatory SAU consultation
 1. SAU in any points box equals mandatory SAU Commander or designee consultation
 2. Scoped or Assault Rifle
 3. Armed mentally unstable person
 4. P.C. 187 suspect

EXCEPTION:

- (a) Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation or an Matrix checklist.

402.11.5 SURVEILLANCE

The SAU team shall be consulted when any of the following apply:

- (a) The surveillance involves a target who is the subject of an investigation/prosecution involving a crime against person
- (b) The target has a violent criminal past or a propensity for violence
- (c) The surveillance involves the use of significant counter surveillance by the target subject

Special Activities Unit

- (d) The use of a GPS tracking device on the targets vehicle
- (e) Surveillance of the target by use of a cellular tracking device
- (f) The sophistication of the target requires a highly trained team to effectively monitor the targets movement and activities
- (g) Around the clock or extended periods of surveillance

EXCEPTION:

- (a) Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation.

402.12 OPERATIONS PLANS

- (a) Once the operation is determined to meet the criteria needed for use of SAU and approval to deploy has been given as described in section 408.9 of this policy, the SAU Commander will assign a SAU team leader the task of scouting and preparing a tactical operation plan for the target location and/or event.
- (b) Once completed, a SAU Commander will review and approve the tactical operation plan.
- (c) The operation plan should include all supporting documents, diagrams, photos and any other intelligence gathered during the scout that supports the tactical plan. Tactics should be laid out in the plan as to specific assignments, rally points, equipment assignments, etc.
- (d) The Tactical Raid Plan shall be maintained as a part of a separate intelligence file with the SAU Commander and on the Bureau's network drive.
- (e) Any Plans that contain cellular or home phone numbers or other confidential personnel information or identity of informants or other normally protected information shall not be included in the permanent case file.

402.13 TACTICAL EMERGENCY MEDICAL SUPPORT (T.E.M.S.)

Tactical Emergency Medical Support is the ability to deploy, use, and provide basic life support (BLS) procedures and techniques by a specialty trained tactical operator(s) to injured individuals in a tactical situation to which without this care the injured individual(s) would most likely not survive to receive more advanced care at a trauma center.

402.13.1 T.E.M.S. SUPPORT

- (a) The focus of the Tactical Medic is to provide immediate medical care to tactical team members with traumatic injuries in a tactical situation. This means the Tactical Medic will use specialized techniques and equipment to stop major bleeding as well as specialized techniques and equipment to establish and maintain airways.

Special Activities Unit

- (b) Besides providing care for major traumatic injuries, the Tactical Medic is to provide care for minor injuries as well that would include injuries from slips, trips & falls to minor cuts, scrapes and burns.
- (c) The primary responsibility of the Tactical Medic is to provide emergency medical care to injured tactical team members first, followed by providing emergency medical care to victims and suspects.
- (d) The Tactical Medic must be proficient in the use of the emergency medical equipment they deploy with as well as maintain all of their emergency medical equipment ensuring the equipment is up to date and ready for deployment.
- (e) The Tactical Medic must maintain a baseline level of training and skills within their scope of training as well as follow-up with continuing education and training in the tactical medicine field. The baseline training level for the SAU Tactical Medics is to be EMT B level.

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

403.1 PURPOSE AND SCOPE

It is the policy of the District Attorney that search/arrest warrants, probation and parole searches, and surveillances shall be served/conducted in a manner that complies with all applicable state laws and ensures the safety of department personnel, other agency personnel, and the public.

To set forth a uniform procedure for the service of search/arrest warrants, probation and parole searches, surveillances, and preparation of operational plans.

403.2 PROCEDURE

Employees of the Bureau shall follow the following procedures when serving search and arrest warrants, conducting probation or parole searches, or surveillances, and completing operation plans.

403.2.1 INVESTIGATOR RESPONSIBILITY

Riverside District Attorney Dispatch shall be notified of all search and arrest warrants, probation and parole searches, and surveillances and attend associated briefings if possible. Investigators assigned to a task force may notify the local law enforcement dispatch in lieu of the District Attorney Dispatch Center.

- (a) The case investigator shall prepare an Operational Plan prior to the service of all search warrants involving the search of a structure and all arrest warrant and probation/parole searches where the matrix score is above 9 points on the Search/Arrest Warrant Probation/Parole Search Matrix, unless exigent circumstances arise for immediate service.
 - 1. In this instance, a Bureau Commander must be notified of the planned action. The completed Operational Plan shall be submitted to the case investigator's immediate supervisor prior to the planned operation. Additional suspect pages, location pages, and undercover operation pages are available as needed.

403.3 SEARCH WARRANTS

- (a) The completed Operational Plan and Search/Arrest Warrant Probation/Parole Search Matrix shall be submitted to the case investigator's immediate supervisor prior to the planned operation for review and approval.
- (b) The completed Operational Plan and Search/Arrest Warrant Probation/Parole Search Matrix shall be forwarded to the SAU Commander. SAU shall be consulted on all search warrants involving the search of a structure (exception is a non-hostile business or investigator assigned to a Regional Task Force) as outlined below. It is the case investigator's responsibility to meet with the SAU Commander to discuss the details

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

of the planned operation at least five days in advance of the planned service date. Investigators should not have the search warrant(s) signed until after consulting with the SAU Commander.

1. In an emergency or evolving investigation where the service of the search warrant needs to be completed immediately, an SAU Commander may be contacted via phone for consultation and approval. The details of the investigation and the history of the suspect shall be conveyed to the SAU Commander so a decision can be made as to whether SAU will be involved. The investigator is still required to complete and turn in the Search/Arrest Warrant Probation/Parole Search Matrix, but this may be turned in after the warrant is served, with an SAU Commander's approval.

403.3.1 THREAT MATRIX - SEARCH WARRANTS

The following shall be adhered to when completing the Search/Arrest Warrant Probation/Parole Search Matrix and determining the point total.

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
- (d) Mandatory SAU consultation
 1. SAU in any points box equals mandatory SAU Commander or designee consultation
 2. Scoped or Assault Rifle
 3. Armed mentally unstable person
 4. P.C. 187 suspect

EXCEPTION: Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy. Information contained within a search warrant affidavit is derived from a variety of sources such as peace officers, citizen informants, tested and reliable informants, untested informants, and anonymous informants. Corroboration and accuracy of information is mandatory and these guidelines will be strictly adhered to with regard to the service of search warrants.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

403.3.2 INVESTIGATOR/SUPERVISOR RESPONSIBILITY

- (a) The case agent investigator or person serving the search warrant will have personally viewed the location to be searched to determine the safest point where entry will be made, conducted all necessary records checks, and made the proper notifications.
- (b) All criminal investigations of a drug or vice nature conducted by investigators shall be queried through LA CLEAR. Other warrants should be queried through LA CLEAR as a precaution.
- (c) When serving a search warrant, the case agent shall notify the proper jurisdiction, dispatcher, and watch commander.
- (d) A supervisor shall be present during the service of all search warrants. Any exceptions to this rule must be approved by the Assistant Chief investigator of that division.
- (e) The Search/Arrest Warrant Probation/Parole Search Matrix shall be filled out prior to the service of all search warrants by the case agent. The case agent will forward the Search/Arrest Warrant Probation/Parole Search Matrix and a copy of the completed and approved operations plan (to include all photos, printouts, and other intelligence information relied upon for the operations plan) to an SAU Commander for review.
 - 1. A search warrant operational plan, SAU checklist, and briefing are not required when an investigator is serving a search warrant for financial records, merely to obtain information exchange of records for the warrant, or is given to the institution to prepare the records for seizure at a date in the future.
- (f) All participating investigators should be present at the briefing unless extenuating circumstances dictate otherwise. The Operational Plan will be provided to all assisting personnel including bureau dispatch. The appropriate jurisdictional law enforcement agency(ies) shall be advised of the briefing and asked to attend if their assistance is required.
- (g) All sworn personnel participating in the service of the warrant shall be in appropriate attire and/or wear department issued uniform consisting of a protective vest, a tactical vest, and all issued safety equipment. Deviation from this attire must be approved by the operation supervisor.
- (h) The case investigator or his/her designee will go to the entry location and make the appropriate knock and notice prior to entering the premises per PC 844. Uniformed personnel representing the jurisdiction agency may be used to assist for this purpose.
- (i) Searches shall be conducted only by peace officers or individuals specifically designated to assist at the direction of the peace officer as specified in the search warrant affidavit.
- (j) The case investigator or designee locating items of evidence shall adhere to Policy 704, "Property and Evidence." Photographs shall be taken prior to the search of the location and again prior to leaving the location. The case investigator will make arrangements for a Forensic Technician to be present for all search warrants to ensure all items of evidence have been collected and to maintain the chain of custody until deposited in the property room of the department.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

- (k) Should damage to personal property occur as a result of forcible entry or by accident, a description of the damaged article and the circumstances under which it occurred will be documented in the case investigator's report. On scene supervision will be advised of the damage and photographs will be taken. A responsible party for the property will be advised of the damage and the procedure for filing a claim with the County of Riverside (Claim for person or property damage form). A copy of the investigation report and search warrant face page will be forwarded to the Chief of Investigators via chain of command.
- (l) If minor children are present during the arrest of a parent or guardian, the minor children may be released to the custody of a responsible adult with parental or guardian approval. This decision should be based on the best welfare of the children. Should a responsible adult be unavailable, the children will be taken into protective custody and placed into the appropriate shelter home pursuant to 300 WIC. The case agent shall make notification to CPS.
- (m) It shall be the responsibility of each investigator to ensure that all items of personal police equipment as well as tools used for searching and entry are collected and returned to the department.
- (n) The case agent or on-scene supervisor shall conduct a final walk through of the premises at the conclusion of the search to check for unreported damage and items of evidence/equipment which may have been left behind and will have the option of photographing and/or videotaping the areas to be searched prior to and after the search is completed in an effort to document the status of the scene.
- (o) The case agent or on-scene supervisor shall ensure that the premises are adequately secured upon leaving. If the premises cannot be secured, the arrestee(s) shall be advised, and at their discretion a reasonable attempt will be made to contact a responsible party prior to departing.
- (p) No tactical search warrant will be executed on a financial institution or reliable business without the consent of an assistant chief investigator. If a tactical search warrant is necessary, all other procedures such as Operational Plans and briefings must be completed. A financial institution or reliable business may be defined as major banks, major mortgage companies, real estate companies, governmental agencies, and reputable businesses.
- (q) Businesses that are open to the public will be closed during the search for crime scene control. After all employees are identified, leave them in a controlled location of the case agent's choice. The decision to send employees home is up to the owner or representative of the business.
- (r) Personnel (sworn and non-sworn) assisting with a search warrant shall not divulge any information prior to, during, or after the search warrant is served to any person without the permission of the case agent and/or supervisor responsible for the search warrant. This includes but is not limited to updates to personnel that are not involved in the investigation and/or service of the search warrant. Any updates must be approved by the case agent and/or supervisor.

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

403.3.3 SEARCH WARRANT RETURNS, EXTENSIONS, AND SPECIAL MASTERS

The case agent will ensure that the following laws are adhered to:

- (a) Return to Search Warrant: When a search warrant is served, the investigator shall prepare and file a Return to Search Warrant with the issuing court within the legal prescribed time limit as required in section 1537 of the Penal Code whether or not any items are seized pursuant to the warrant.
- (b) Extension of Search Warrant: If it becomes clear to the case investigator that the return to search warrant cannot be returned to the court forthwith as required in section 1537 of the Penal Code, the case investigator shall obtain a continuance for return of the search warrant as provided in Government Code section 7475.
- (c) Special Masters: The State Bar of California has provided the district attorney with a list of special master nominees who may be utilized when searching the offices and files of doctors and attorneys as specified in Penal Code section 1524(c). The Supervising Deputy District Attorney of the Special Prosecutions Section and each assistant district attorney have a copy of the special master nominee list.

403.3.4 STRIP AND CAVITY SEARCHES

Strip and visual cavity searches should not be performed by bureau personnel except under exigent circumstances where the person has been arrested for a narcotics violation, weapons violation, or crime of violence and may be concealing evidence or contraband that is specifically listed in the search warrant or a weapon. Any strip or visual cavity search must have a supervisor's approval prior to the search.

- (a) The search will be conducted by a search team member of the same gender as the suspect. The search must be witnessed by another employee of the same gender as the suspect. The search will be accomplished in a room or place offering privacy so that it cannot be viewed by others.
 - 1. A "strip search" means any search that requires a person or the investigator to remove or arrange some or all of a person's clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of that person.
 - 2. A "visual cavity search" means visual inspection of the rectal opening of a male or the rectal or vaginal opening of a female. Entry by any means into the rectum or vagina to search for contraband is a physical body cavity search and will never be done by bureau personnel.

403.3.5 TELEPHONIC SEARCH WARRANTS

Telephonic search warrants PC 1524 may be obtained when it becomes impractical to use the conventional method. Contact the on-call Deputy District Attorney or page through Riverside Sheriff's Department dispatch.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

The Deputy District Attorney will have a kit available allowing a three-way conversation between the judge, the investigator and the DDA and the capability to record same. This method is useful at night in outlying areas but is less efficient in that the recording must be transcribed, reviewed by the investigator, and the transcription and original tape submitted to the judge who authorized the warrant within a day of the search.

403.4 ARREST WARRANTS

The following shall be adhered to when completing the Search/Arrest Warrant Probation/Parole Search Matrix and determining the point total:

- (a) The service of arrest warrants shall be done with no less than three investigators at all times. Investigators are required to complete the Search/Arrest Warrant Probation/Parole Search Matrix on all arrest warrant services and forward to their Commander for review and approval prior to all warrants being served. The original checklist shall be forwarded to the SAU Commander where it will be filed.
- (b) SAU shall be consulted on all arrest warrant services where the unit Commander or the primary investigator requests SAU's input involving the search of a structure, the service of a felony warrant, or when the matrix score is above 20 points on the Search/Arrest Warrant Probation/Parole Search Matrix. In this instance, it is the case investigators responsibility to meet, in person or via telephone, with the SAU Commander to discuss the details of the planned operation at least five days in advance of the planned service date, if practical.
 1. In an emergency or evolving investigation where the service of the arrest warrant needs to be completed immediately, any commander may be contacted via phone for consultation and approval. The details of the investigation and the history of the suspect shall be conveyed to the commander so a decision can be made as to whether SAU will be involved. The investigator is still required to complete and turn in the SAU checklist, but this may be turned in after the warrant is served, with a commander's approval.

403.4.1 THREAT MATRIX - SEARCH WARRANTS

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
- (d) Mandatory SAU consultation
 1. SAU in any points box equals mandatory SAU Commander or designee consultation

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

2. Scoped or Assault Rifle
3. Armed mentally unstable person
4. P.C. 187 suspect

EXCEPTION:

- (a) Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation or a Matrix checklist.
- (b) Investigators assigned to serve DCSS misdemeanor arrest warrants do not require SAU consultation or an Matrix checklist when the following criteria are met:
 - (a) The warrant resulted from a DCSS investigation and is for the following sections:
 - (a) CCP 491.160
 - (b) CCP 708.170
 - (c) PC 270
 - (d) PC 166(a)(1)
 - (b) The investigator has submitted a warrant service packet to their supervisor and the supervisor has approved the warrant service packet. The investigator is required to include in the warrant service packet computer check of:
 - (a) Persons at, or potentially at, the residence
 - (b) Suspects
 - (c) The target location, for any dangers
- (c) Investigators assigned to serve misdemeanor arrest warrants for a victim or witness of domestic violence do not require SAU consultation or a Matrix checklist when the following criteria are met:
 - (a) The warrant resulted from a domestic violence investigation and is for the following sections
 - (a) CCP 1209
 - (b) CCP 1993
 - (b) The investigator has submitted a warrant service packet to their supervisor and the supervisor has approved the warrant service packet. The investigator is required to include in the warrant service packet computer check of
 - (a) Persons at, or potentially at, the residence
 - (b) Suspects
 - (c) The target location, for any dangers

403.5 PROBATION AND PAROLE SEARCHES

- (a) Parole and probation searches shall be done with no less than three investigators at all times. Investigators are required to complete the Search/Arrest Warrant Probation/Parole Search Matrix on all probation and parole searches and forward to their commander for review and approval prior to the search. The original checklist shall be forwarded to their immediate supervisor and the SAU Commander where it will be filed.
- (b) SAU shall be consulted on all probation and parole searches where the unit Commander or the primary investigator requests SAU's input or when the matrix score is above 20 points on the Search/Arrest Warrant Probation/Parole Search Matrix. In this instance, it is the case investigators responsibility to meet, in person or via telephone, with the SAU Commander to discuss the details of the planned operation at least five days in advance of the planned date, if practical.

403.5.1 THREAT MATRIX - PROBATION AND PAROLE SEARCHES

The following shall be adhered to when completing the Search/Arrest Warrant Probation/Parole Search Matrix and determining the point total:

- (a) 0-9 Points - Service may be handled by investigator. Notification of Bureau Commander is required
- (b) 10-19 Points - Consultation with SAU is recommended and encouraged; warrant service/search requires approval/signature of Bureau Commander
- (c) 20+ Points - Consultation with the SAU Commander or designee is required prior to service of the warrant/search
- (d) Mandatory SAU consultation
 1. SAU in any points box equals mandatory SAU Commander or designee consultation
 2. Scoped or Assault Rifle
 3. Armed mentally unstable person
 4. P.C. 187 suspect

EXCEPTION: Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation or an Matrix checklist.

403.6 SURVEILLANCE

Investigators should consult with SAU on all surveillances to ensure the best resources are being used to complete an effective surveillance that increases investigator safety and the efficiency of the surveillance goal.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Search/Arrest Warrants, Prob./Parole Searches, Surveillances, & Operation Plans

403.6.1 SURVEILLANCE CRITERIA

Situations where the SAU team shall be consulted. (The following criteria will apply to all surveillances):

- (a) The surveillance involves a target who is the subject of an investigation/prosecution involving a crime against person
- (b) The target has a violent criminal past or a propensity for violence
- (c) The surveillance involves the use of significant counter surveillance by the target subject
- (d) The use of a GPS tracking device on the target's vehicle
- (e) Surveillance of the target by use of a cellular tracking device
- (f) The sophistication of the target requires a highly trained team to effectively monitor the targets movement and activities around the clock or for extended periods of surveillance

EXCEPTION: Investigators assigned to a Regional Task Force operating in a Task Force function shall adhere to the Task Force Policy and do not require SAU consultation.

Threat Assessment and Threats to Employees

404.1 PURPOSE AND SCOPE

The district attorney's office, through the resources of the bureau of investigation, shall provide assistance, support and necessary personal protection to any employee who is the subject of direct or indirect threats of physical harm, or who believes that their personal safety and/or the safety of their family may be at risk as a result of their employment. Nothing in this policy is intended to conflict with any provision contained within the Riverside County Board of Supervisors Policy C-27.

The Bureau of Investigation, in coordination with district attorney executive and management staff, will conduct a threat assessment, design an action plan, and make recommendations to the District Attorney to ensure the personal safety of any employee who may be the subject of actual or implied threats of physical harm or other forms of intimidation whether it be against the employee, their family, or their personal property.

404.2 SUPERVISOR RESPONSIBILITY

In most cases, district attorney employees who have become the target of actual or implied threats will contact a bureau supervisor to report the incident and request assistance. All supervisors shall become familiar with these procedures and shall give immediate attention and assistance as required when any incident of threats, intimidation or harassment of an office employee comes to their attention. This includes notification to the Dignitary Protection Unit Commander who may assign his staff to conduct the assessment, address any potential threat, and provide resources to mitigate threats.

404.3 THREAT ASSESSMENT

The bureau of investigation Dignitary Protection Unit will conduct a threat assessment review, develop an action plan and make other recommendations to the district attorney to ensure the personal safety of any office employee who is the subject of actual or implied threats of physical harm or other forms of intimidation whether it be against the employee, their family, or their personal property.

District Attorney

The Dignitary Protection Unit will investigate all threats against the District Attorney from initial inquiry to final disposition.

All Other Employees

The threatened employee should immediately report the incident to his/her assigned investigator (DDA's) or the Supervising Officer of the Day. It is the responsibility of the assigned investigator or the Supervising Officer of the Day to complete an initial assessment of the threat unless otherwise directed by the Dignitary protection Unit Commander.

Threat Assessment and Threats to Employees

- (a) The assigned investigator or Supervising Officer of the Day will complete the following:
 - 1. Immediate phone contact will be made with the following advising the nature of and the circumstances of the threat upon the employee:
 - (a) Immediate Bureau Commander
 - (b) Dignitary Protection Commander
 - 1. The Commander Commander will notify the Assistant Chief and the Chief of Investigators
 - 2. The Chief of Investigators will notify the District Attorney
 - 2. The initial assessment of the incident to include an interview with the threatened employee, any witnesses, or other parties (other than the suspect).
 - 3. The initial assessment will be documented in a memorandum that will be forwarded to the DPU Commanders via email immediately following the assessment.
 - 4. If the threat warrants a criminal investigation, the Dignitary Protection Unit will complete the criminal investigation or ensure an outside law enforcement agency completes the investigation.
 - (a) The DPU Commander will be kept apprised of the status and direction of the investigation.

404.4 DIGNITARY PROTECTION UNIT (DPU) RESPONSIBILITY

The DPU will have the following responsibilities:

- (a) After the threat memorandum is received, the DPU Commander, or his designee, will make personal contact with the threatened employee to evaluate the threat and determine if any additional action is needed on the part of the DPU.
- (b) If additional action is needed that relates to the protection of the employee, the DPU will handle this function.
- (c) The DPU will make contact, if applicable, with the suspect.
 - 1. During a simultaneous criminal investigation, the DPU will coordinate with the criminal investigator before contact is made with the suspect.
- (d) The DPU will place the threat assessment information into the Bureau Threat Report
- (e) A special Threat Assessment Worksheet and evaluation form has been developed for this purpose, which can be obtained from any bureau commander. The form should be filled out by the person who has been threatened as soon as possible and forwarded to the investigator assigned to complete the initial assessment.

Threat Assessment and Threats to Employees

- (f) Determining the probability that a threat may be carried out is not an exact science. It is done by investigating the known background and history of the person(s) making the threat, to include:
 - 1. A demonstrated propensity for violence
 - 2. Previous criminal history, history of violent acts, or history of taking action to carry out a threat
 - 3. The accessibility of weapons
 - 4. Any information that would help determine the probability or possibility that the stated or intended action may actually be carried out
- (g) In some cases the person(s) making the threat may be contacted, interviewed, and admonished by bureau investigators, arrest or search warrants may be served, or they may be taken into custody if probable cause exists to make an arrest for a crime, such as stalking (646.9 PC), making terrorist threats (422 PC), or making threats against district attorney staff (76 PC).
- (h) If the elements of a crime exist for any threat or act of harassment or intimidation against an employee the bureau will complete a thorough criminal investigation, prepare a crime report, and submit the report to a filing deputy for legal review. In all cases, regardless of whether a criminal complaint is filed or not, a bureau crime report number shall be drawn and the original report shall be maintained in bureau files.
- (i) The DPU or the Special Activities Unit (SAU) will serve any arrest or search warrant resulting from an investigation and criminal complaint involving threats against district attorney's office staff.
- (j) In the case of clearly defined threats with a high probability the person making the threat or others may act and the safety of a district attorney employee is at risk, the bureau, with the approval of and in coordination with attorney management or executive staff, may take immediate steps to provide the highest level of safety and protection for the employee and their family, to include 24 hour personal protection, temporary relocation, or whatever measure(s) may be necessary to ensure the immediate safety of the employee and their family. This level of protection will be handled by the DPU or SAU.
 - 1. In all cases, one or more teams from the DPU will be utilized for this purpose, see policy section 500.31
 - 2. In any case where an office employee and/or their family must be relocated or afforded 24 hour protection by bureau investigators the following shall be immediately notified via the chain of command:
 - (a) The employee's immediate supervisor
 - (b) The Chief of Investigators; via chain of command
- (k) The bureau of investigation will provide all employees who have been the subject of a threat, harassment or intimidation, with general information about how to protect themselves and their families and preserve the confidentiality of their personal and home information.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Threat Assessment and Threats to Employees

- (a) Typical sources of personal and home information commonly available to the general public
 - (b) How to request confidentiality of Department of Motor Vehicle information per 1808.4(a) 7 CVC
 - (c) Information available to the general public through the county assessor and the county recorder's offices
 - (d) Information available at the registrar of voters office
 - (e) Information available at the county clerk's office
 - (f) Lawsuit and civil filing information
 - (g) Domestic violence restraining orders, civil temporary restraining orders, and injunctions per California Code of Civil Procedure Section 527.8.
- (l) In all cases where a threat report and Threat Assessment Worksheet has been received and an evaluation conducted, the bureau commander receiving the report shall establish a file in the name of the affected employee(s) containing all pertinent information about the case. These documents shall be placed into an electronic file in the DPU folder under "threats". While the case is active the file shall be maintained by the involved bureau commander. All inactive files shall be forwarded to the office of the Chief of Investigators for retention and storage.
- (m) The bureau commander accepting a threat report and Threat Assessment Worksheet shall also comply with the reporting requirements of Penal Code Sections 76(a) and (b). For threats against elected public officials and members of their staff or immediate family, a copy of all reports shall be forwarded to the California Department of Justice, Criminal Intelligence Unit, P.O. Box 163029, Sacramento, California 95816-5446, ATTN: Agent in Charge.
- (a) For threats against State public officials the information should be reported to the CHP Communications Center in the area where the section receiving the information is located. A CHP Officer will be dispatched to conduct a preliminary investigation as necessary. All information will then be referred to the Office of Dignitary Protection (ODP), Special Bureau of Investigations Unit (SIB), in Los Angeles or Sacramento. The ODP-SIU can be contacted during normal business hours in Sacramento at (916) 327-5451, or Los Angeles at (213) 897-4564.
- (n) The bureau supervisor accepting a Threat Assessment Worksheet shall also comply with the manager/supervisor duties on page 2010-4 of the County of Riverside Workplace Violence, Threats and Security policy issued on 9-10-96. The supervisor receiving the threat report shall complete a County Workplace Threat Incident Report Against County of Riverside Employee form (SOP Form 2010-1), attach the bureau's Threat Assessment Worksheet, and forward them both to the Risk Management Section, County Personnel Employee Relations and the County Safety Office.

Threat Assessment and Threats to Employees

404.5 PERMITS TO CARRY CONCEALED WEAPONS

- (a) The District Attorney's Policy manual prohibits all non-peace officer employees of the district attorney's office from carrying or possessing a firearm on their person, in their car, within their desk, or in their attaché case, while in county buildings or at any other location while on district attorney business without the prior written consent of the district attorney. Requests to the district attorney must be made in writing and include the reason for the request, the description and serial number of the firearm, how the firearm will be carried, and how long it will be carried. This policy also applies when a CCW permit has been previously issued to the employee.
- (b) Generally, the sheriff's department of the county where the employee lives or the chief of police of the city where the employee resides issues CCW permits. If a non-peace officer employee of this office who has been the subject of direct or indirect threats or intimidation in the workplace is granted permission for a CCW permit the bureau will assist in the expeditious processing of the permit application paperwork. In all such cases a bureau of investigation range master will do the following:
 - 1. File and maintain a copy of the written approval for the employee to carry a concealed weapon in or at the workplace, signed by the district attorney or his designee. The range master will use the authorization form attached to this policy.
 - 2. Conduct an inquiry to verify that the employee has not been convicted of a misdemeanor for use of physical force against a spouse or significant other (Penal Code section 12021(c)(1)), or are the subject of temporary restraining orders or injunctions which restrict or restrain them from possessing or carrying weapons.
 - 3. Provide initial firearms safety and familiarity training to the employee and require that the employee demonstrate continued proficiency with the weapon every 3 months.
 - 4. Provide the employee with a copy of bureau policy #300 related to the use of deadly force.
 - 5. Obtain a signed acknowledgment from the employee stating that any misuse of the weapon or failure to demonstrate continued proficiency as required may result in the immediate revocation of approval to carry a concealable firearm while in the Riverside County District Attorney's Office, and notice that the issuing agency may be notified of the violation and recommendation by this office for the revocation of the Concealable Firearms Permit. The range master will be the acknowledgment form attached to this policy.
- (c) If necessary, the bureau may issue a firearm and ammunition to an employee who is issued a CCW permit for protection when the reason is due to threats or intimidation as a result of their employment.

Threat Assessment and Threats to Employees

404.6 AUTHORIZATION FOR NON-SWORN EMPLOYEES TO CARRY/POSSESS PERSONAL SAFETY EQUIPMENT

Pepper Spray

The bureau of investigation may provide pepper spray to non-peace officer employees upon request of the employee and the approval of their supervisor. In every case, a certified chemical instructor will provide the employee with an orientation and personal training on the proper use of this defensive weapon.

Other Safety Equipment

The bureau of investigation may provide non-peace officer employees with other kinds of personal safety equipment, such as bullet proof vests, cellular telephones, and pagers as needed or requested by the employee upon approval of their supervisor.

404.7 OTHER SAFETY MEASURES

- (a) When necessary, the bureau may arrange temporary safe and secure parking for an employee at the work site while a threat assessment is being conducted and an action plan is being formed.
- (b) The bureau may send a letter to the local law enforcement agency where the employee lives advising the watch commander(s) and radio dispatcher(s) of the threat(s) and the potential for calls for assistance at the employee's address, to make certain that any law enforcement officers summoned to the employee's home are fully aware of the background and history of the problem, and to request "extra patrol" for the employee's neighborhood.
- (c) In some cases, the bureau may designate an investigator(s) to escort the employee for a time from their home to the office, from their office to court and back, from the office to their home, and/or provide them with 24 hour protection or a cell phone number where they can obtain immediate assistance from an investigator should they require it.

404.8 COUNSELING SERVICES/PEER COUNSELING/EMPLOYEE ASSISTANCE PROGRAM

- (a) With the approval of the district attorney or designee, and in the absence of other paid insurance plans or benefits available to the employee, the office may refer employees to counseling professionals (private psychologist) who can help them and/or their family deal with the fear, anxiety, and apprehension that often accompanies incidents of threats and intimidation in the workplace. A peer counseling group consisting of employees who have themselves been the subject of past threats is available to assist any employee who has been threatened. Requests for peer counseling should be coordinated through the district attorney or designee.

Threat Assessment and Threats to Employees

- (b) The Victim Services Section is available to provide referrals for short term counseling. They can also help employees who may be eligible for the Victim of Crime Compensation Program to apply for out of pocket counseling expenses.
- (c) The Employee Assistance Services (EAS) is available as a referral resource to an employee whose job performance may be negatively affected by threats of physical harm to themselves and their families. An EAS appointment can be made by calling (909) 955-2140.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

405.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when outside the normal, safe containment or when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as during a field interview, search warrant, at the scene of a traffic accident, chemical spill, or fire. As law enforcement you are likely to be first on scene during a hazardous materials incident. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens. The following steps should be considered at any scene involving suspected hazardous materials:

Safety, Isolate, and Notify. The common acronym for a HazMat response is SIN.

- (a) Your Safety is first. Always maintain a safe distance and deploy a response that is upwind, uphill, and up stream. The single most important approach is upwind as respiratory or breathing in a substance accounts for most HazMat exposures. Proper HazMat response can be found in the North American Emergency Response Guidebook. The Guidebook is available to all investigators.
- (b) Set up a perimeter based on isolated distances that are found in the Emergency Response Guidebook.
- (c) If can be safely done, attempt to identify the type of hazardous substance. Do not exposure yourself to hazardous materials in an attempt to identify the hazards. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify dispatch and request the Fire Department, and Health Department and any other allied agencies that may be required to mitigate the incident. Notifications should include: location, type of release, perimeter, and injuries.
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an investigator comes in contact with, or is aware of, the presence of a suspected

Hazardous Material Response

- hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).
- (g) If the incident is within ½ mile of a school, then proper notification must be made to the school
 - (h) Using verbal commands, isolate the potentially exposed individuals to one centralized area. Use extreme caution when providing first-aid for injured parties, as you may become exposed or contaminated.
 - (i) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
 - (j) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
 - (k) Notify the Department of Toxic Substances Control. This is mandatory when an investigator comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

405.3 REPORTING EXPOSURE(S)

Bureau personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Bureau will be obtained through the Fire Department.

Office Security

406.1 PURPOSE AND SCOPE

Special security procedures may be initiated in any bureau office or facility according to the special needs and concerns of that facility. All Bureau employees working in those facilities shall make themselves familiar with such procedures and fully comply with them.

- (a) All district attorney personnel are required to cooperate with the Bureau of Investigation and the front desk receptionist in all matters involving security procedures and emergency operations, such as fire alarms, bomb threats, breaches of security and criminal investigations.
- (b) In the event of such security operations, it is the duty of the Bureau of Investigation to conduct investigations, building searches and evacuate all personnel from the building when deemed necessary during disasters, fire or bomb threats. Refer to Policy 408, "Evacuation Procedures."

406.2 PROCEDURES

These procedures should be adhered to when practical. Discretion is to be used.

406.2.1 SECURITY OF ACCESS DOORS

- (a) Bureau personnel shall not disclose the door lock combinations or give any person their key or security card to any Bureau office or facility for any reason. These items are restricted to Bureau personnel only.
- (b) All Bureau personnel shall be careful to see that the doors properly lock when traveling into or out of all Bureau offices and facilities where security keypads, locks, and combinations have been installed.
- (c) All Bureau personnel are responsible to double-check all access doors prior to leaving the office when it is unattended or closed after regular hours to ensure that all doors and access routes are secure.
- (d) In the event that the fully automated security system in the Riverside main office should fail due to power outage or other malfunction, the on-call supervisor is responsible to summon whatever personnel resources are necessary to maintain security for the building and staff until the problem is corrected.
- (e) Bureau personnel shall not loan out their access cards to others and shall not allow unauthorized vehicles to park in the underground parking structure at the Riverside office.

Office Security

406.2.2 VISITOR PROCEDURES

- (a) No personnel or individuals other than District Attorney employees, Bureau personnel, or law enforcement personnel conducting official business shall be permitted in any Bureau facility or office without authorization of a supervisor.
- (b) No visiting personnel shall be permitted beyond the front lobby of any Bureau office or facility without receiving authorization to enter. These restrictions shall apply to all office and Bureau facilities during regular business hours, evenings, and weekends.
- (c) Anyone bringing in visitors other than law enforcement personnel shall identify them to the receptionist and/or the posted security guard.
- (d) The production of official visitor badges for all facilities shall be the responsibility of the designated security officers. They will monitor their use and make necessary changes in their design as needed or required.
- (e) All visitors will be issued a badge or identification card that is to be worn on their outer clothing and in plain view at all times while in the facility. The visitor will surrender visitor badges and identification cards upon leaving the facility. Peace officers or other government officials are required to wear their badges or government identification cards in lieu of a visitor's badge.
- (f) Visitors not conducting official business are not permitted in Bureau facilities at any time unless authorized by a supervisor. Visitors shall not be left unattended in any portion of a Bureau office or facility at any time.
- (g) All volunteer personnel shall wear an appropriate badge as issued by the security officer.

406.2.3 HANDLING PRISONERS/SUSPECTS

- (a) Prisoners/suspects brought to Bureau offices or facilities shall be announced in advance to the dispatcher or designee, and the investigator's supervisor or on-scene supervisor. The dispatcher or designee will log the following:
 - 1. Handling investigator's name
 - 2. Prisoner/suspect's name, date of birth, booking number, original jail/prison housing location, and any other pertinent information
- (b) Prisoners/suspects will only be interviewed in designated interview rooms and shall be properly secured at all times using proper restraints and floor eye bolts.
- (c) Prisoners/suspects shall not be left unattended at any time in a Bureau office or facility, however, prisoners/suspects properly secured in interview rooms may be continually monitored through the use of television monitors.

Office Security

- (d) Additional prisoner/suspect handling procedures shall be followed as described in Policy 410, Arrest and Prisoner Procedures.
- (e) Visitation for in-custody prisoners/suspects or witnesses, with the exception of their defense attorneys, is not allowed without the specific approval of the Chief of Investigators and an Assistant District Attorney

406.2.4 BREACHES OF SECURITY/SECURITY PASSES

Any investigator who notices a security breach, suspicious circumstance, or unidentified or unauthorized person without a pass shall take action immediately to identify, correct and report the occurrence to the security officer or their immediate supervisor. Persons without passes should be identified to the person who authorized their entry and that person should be directed to correct the problem by obtaining the proper pass. If any personnel do not receive cooperation, the occurrence shall be reported to the security officer who will then report directly to the chief of investigators via the chain of command.

406.2.5 SECURITY REPORT PROCEDURES

All breaches of security shall be documented in a memorandum to the Chief of Investigators, via chain of command.

406.2.6 ON-DUTY EMERGENCY, SECURITY, AND SECURITY ALARM PROCEDURES

- (a) Any Bureau personnel becoming aware of an emergency or security incident shall immediately notify the dispatcher or designee. The dispatcher shall coordinate the emergency or security incident response from the command/dispatch center.
- (b) Responding investigators shall notify the dispatcher as soon as is practical of the status of the incident. The ranking officer assuming command of the incident shall also report to the dispatch/command center.
- (c) In the event the command/dispatch center becomes disabled, the ranking officer assuming command of the incident shall establish an alternate command post location. (See also: Evacuation Procedures, Policy 408)

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Riverside County District Attorney - Bureau of Investigation in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that their supervisor is immediately advised and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 RIVERSIDE COUNTY DISTRICT ATTORNEY - BUREAU OF INVESTIGATION FACILITY

If the bomb threat is against the Riverside County District Attorney - Bureau of Investigation facility, the handling Bureau Commander or Supervisor will direct and assign investigators as required for coordinating a general building search or evacuation of the bureau department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Riverside County District Attorney - Bureau of Investigation that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the handling Commander or Supervisor deems appropriate.

Response to Bomb Calls

407.4.3 BUILDING EVACUATION

The supervisor or Commander is responsible for the safe and expedient evacuation of district attorney personnel. The evacuation order shall be made after an informed assessment of the situation and consultation with the highest ranking investigator.

- (a) The order to evacuate must come from the district attorney, highest-ranking attorney, or bureau supervisor present in the building. This should be done in conjunction with sheriff's personnel in buildings where the sheriff is responsible for overall building evacuation.
- (b) Conduct a quick visual check for any suspicious objects or anything out of the ordinary as you exit and report it to your immediate supervisor once outside.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the County of Riverside, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting bureau assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Administrative Commander should be notified when bureau assistance is requested. The Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including bureau control over the facility.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Response to Bomb Calls

Should the Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request bureau assistance to clear the interior of a building, based upon the circumstances and known threat, investigators may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

Response to Bomb Calls

- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Administration Commander including:
 - 1. The time of discovery.
 - 2. The exact location of the device.
 - 3. A full description of the device (e.g., size, shape, markings, construction).
 - 4. The anticipated danger zone and perimeter.
 - 5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding investigators. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Investigators responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Administrative Commander

Response to Bomb Calls

- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Commander or Supervisor should assign investigators to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Evacuation Procedures

408.1 PURPOSE AND SCOPE

A written emergency preparedness plan, regularly tested, is a means by which we can prevent and mitigate injuries, property damage and emotional trauma resulting from natural disasters, fires, and other serious incidents whether caused by humans or nature. This evacuation plan is but one segment of the overall emergency response plan of the district attorney's office.

The ranking person on duty during an evacuation of a county office shall, as soon as practical, telephone or otherwise notify the bureau of investigations in Riverside, Southwest, or Indio as appropriate, of the action and request any assistance if needed. The bureau of investigations shall immediately notify the district attorney and the administrative section through the chain of command. At the outset of the emergency, the bureau of investigations shall activate its emergency response plan and adhere to the emergency response team chain of command.

408.2 PROCEDURE

The following procedures will be followed when evacuating any District Attorney building.

408.2.1 ORDER TO EVACUATE

In an emergency situation, evacuation of the building can be made by anyone that has sufficient cause. Generally, the order to evacuate should come from the district attorney or highest ranking supervisor present in the building in the following order:

- (a) District attorney
- (b) Assistant district attorney
- (c) Chief of Investigators
- (d) The highest-ranking bureau of investigations supervisor using the bureau's emergency response team chain of command.

The bureau of investigations shall be responsible for the safe and expedient evacuation of all personnel, to direct and coordinate rescue operations, to establish a command post, and to establish communications with other agencies.

- (a) The evacuation order shall be made after an informed assessment of the situation and consultation with the ranking investigator in the bureau of investigations.
- (b) The order to evacuate along with specific instructions will be given by the bureau of investigations over the telephone public address system or through in-person verbal instruction.
- (c) Investigative personnel will contact the ranking investigator to determine what duties and/or assignments they can perform.

Evacuation Procedures

- (d) The supervisor responsible for issuing the evacuation order shall notify the county administrative officer as soon as is practical.

408.2.2 EVACUATION ROUTES

- (a) Use concrete stairwells within the building.
- (b) Do not use the elevators! You may become trapped if the electricity fails.

408.2.3 EVACUATION INSTRUCTIONS - ATTORNEY CIVILIAN SUPERVISORS

- (a) Assess the situation on your floor.
- (b) Consult with the bureau of investigations for the order to evacuate.
- (c) Designate a floor monitor to carry out evacuation orders on your floor, account for personnel, locate emergency supplies and fire extinguishers, and report any specific hazards on the floor back to you. Evacuate after all personnel have left the floor.
- (d) Note the specific location of persons left behind due to being trapped or severe injury and report it as soon as possible to the bureau of investigations.
- (e) Respond to the staging area as instructed.
- (f) Assist in roll call efforts and other duties as assigned.
- (g) Do not allow any employee to leave the staging area.
- (h) Do not allow any employee to re-enter the building until advised to do so

408.2.4 EVACUATION INSTRUCTIONS - BUREAU SUPERVISORS/RANKING PERSONNEL

- (a) Assess the situation.
- (b) Notify the police/fire departments.
- (c) Activate emergency response plan and emergency response teams.
- (d) Establish a command post in the radio room.
- (e) Consult with the district attorney or assistant district attorney.
- (f) Establish a mobile command post in the staging area and designate a team to operate the post and coordinate roll call efforts. Radio or page all bureau personnel to respond to the building or staging area.
- (g) Give the order to evacuate and specific instructions via the public address system or through verbal instruction to bureau personnel dispatched to each floor.
- (h) Designate response team commanders to organize follow-up evacuation within the building.
 - 1. Issue handi-talkies and/or cellular telephones during search and evacuation.

Evacuation Procedures

2. Begin on the top floor and proceed down on a floor-by-floor basis using stairwells until the building is cleared.
 3. During evacuation, post personnel at all building entrances and exits to prevent persons from entering the building.
 4. All emergency supplies should be collected from each floor and brought to the command post.
- (i) Establish communications with other agencies and the county Emergency Operations Center if needed.
 - (j) Provide emergency aid for personnel.
 - (k) In the event of the absence of the district attorney, coordinate with administration for the succession of office and determination of an acting district attorney.
 - (l) Equip bureau and mobile command posts with portable commercial radios.
 - (m) Refer to the Emergency Center/Emergency Response Team handbook issued to each bureau employee and to the radio/dispatch room.

408.2.5 EVACUATION INSTRUCTIONS - ALL DISTRICT ATTORNEY PERSONNEL

- (a) Become familiar with all evacuation procedures.
- (b) When directed to evacuate, follow all instructions in a calm manner and report to the staging area immediately upon leaving the building and await further instructions.
- (c) Never re-enter the building unless assigned by a supervisor to assist in operations or overall clearance is given.
- (d) Take personal possessions with you. If time allows, turn off all electrical equipment.

408.3 SPONTANEOUS EVACUATION

While most emergencies will allow us at least a few minutes to plan an evacuation, certain incidents may require sudden reactive evacuation to prevent serious injury. These incidents may include a large flash fire, explosion, sudden gas leak, or human violence. In these cases, all employees should do the following:

- (a) Immediately remove yourself to an area of safety, alerting other employees as you do so.
- (b) As soon as possible, dial 911, activate a fire alarm, notify the bureau of investigation, or announce the emergency on the public address system. Once you are in a safe area, await further instructions or evacuate to the staging area.
- (c) In the event of fire or explosion, do not evacuate to an enclosed room with only one entrance/exit.

Evacuation Procedures

- (d) In the event of sudden human violence, if it is not safe to leave the floor or building without exposing yourself, utilize any hiding place with as much concealment as possible including under a desk or workstation.

408.4 STAGING/EVACUATION AREA

- (a) Do not leave the evacuation area until instructed to do so by an authorized supervisor.
- (b) All supervisors shall immediately take roll and note the reasons for absentees, if known.
- (c) In a major emergency, all county employees are automatically designated "emergency corps workers" (County Ordinance 533.3 and California Government Code section 8550 et seq.). You will be needed to assist in rescue or recovery operations. As a practical matter, in the event of a severe natural disaster, and depending on the safety of roads, etc., employees will be assigned time off to check with loved ones as soon as practical.
- (d) The bureau of investigation will establish a mobile command post in the staging area and radio and cellular phone communications will be established with emergency agencies. Therefore, the staging area will be informed as to the condition of the emergency.
- (e) Make sure all employees stage in an area of safety, away from buildings and structures that could be unsafe.

408.5 FIRE ALARMS

- (a) In the event of a fire alarm, the building is to be evacuated and remain so until permission to reenter the building is made by the fire department supervisor on the scene.
- (b) Investigators shall be assigned posts at building entrances and exits to assist employees in building evacuation. Investigators shall not allow anyone to reenter the building with the exception of fire and emergency personnel.
- (c) Disposable foam insert-type ear protectors are available in the bureau dispatch room for those investigators remaining in the building to assist with evacuation and building search responsibilities.

Cite and Release Policy

409.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

409.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Bureau's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

409.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing investigator shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

409.3.1 RELEASE AFTER BOOKING

In some cases, it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the investigative supervisor or the authorized designee.

409.4 NON-RELEASE

409.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

Cite and Release Policy

- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

409.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Supervising Investigator may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Bureau and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety
 - 1. The Riverside County District Attorney - Bureau of Investigation shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

Cite and Release Policy

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the investigator responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the XXX for approval and included with the case file in the Records Section.

409.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Supervising Investigator approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace investigator.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

409.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Riverside County codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Bureau of Investigations for further action including diversion.

Cite and Release Policy

409.6.1 ARREST REPORTS

All arrests including a misdemeanor citation shall be documented on an arrest report.

409.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an investigator from requesting a case number if the investigator feels the situation should be documented more thoroughly in a case report.

Arrest and Prisoner Procedures

410.1 PURPOSE AND SCOPE

Sworn investigators, on occasion, arrest defendants/suspects in connection with their duties. Those arrests shall be in accordance with the laws of arrest of the State of California. As a matter of policy in all felony cases, circumstances permitting, the investigator shall notify the sheriff's or municipal police department of the location and nature of arrest within their jurisdiction.

410.2 PROCEDURE

The following procedure will apply to all Bureau personnel when handling prisoners.

410.2.1 TREATMENT OF PRISONERS

- (a) Employees shall treat prisoners in a fair and humane manner at all times.
- (b) Fraternalization with prisoners is expressly prohibited.
- (c) Restraint techniques and/or force shall be administered to a prisoner in a lawful manner and in accordance with department policies.

410.2.2 SEARCH OF PRISONERS

Investigators shall search all persons taken into custody for weapons prior to transportation. Prisoners taken into custody by employees of the opposite sex shall only be touched in a manner necessary to detect weapons that might be concealed. An investigator of the same sex as the prisoner should complete a more thorough search.

410.2.3 SAFETY OF IN-CUSTODY INMATE/WITNESS

- (a) When the Bureau is notified via a CMS request by a deputy district attorney that an in-custody inmate/witness is needed to testify in a court case in the Riverside County Superior Courts, the senior investigator shall notify his/her supervisor.
- (b) The senior investigator shall contact the Classification sergeant at the facility the inmate is housed and provide the necessary information that will be entered into the Sheriff's Classification system (JIMS). As per the DDA Safety of Inmate Witnesses policy, when the DDA needs to have the inmate witness moved from custody to court the DDA will notify the senior investigator assigned to the case. The investigator shall notify the Riverside County Sheriff's Department's Head count Management Unit sergeant who will facilitate the safe transport of the inmate. This notification procedure shall be used county-wide.
- (c) The senior investigator shall notify immediately the Jail Classification Unit at the facility the inmate/witness is housed and make notification of any new safety and/or security concerns for the inmate. The notification shall be made with the concurrence of the Head count Management Unit sergeant.

Arrest and Prisoner Procedures

- (d) Any notifications to the Riverside County Sheriff's Department Head count Management Unit and/or the Jail Classification Unit regarding an in-custody inmate's safety and security shall be entered into CMS. The entries shall include the name of the person notified, their rank, and the date of the notification.

410.3 TRANSPORTATION OF PRISONERS

410.3.1 PRISONERS OF THE OPPOSITE SEX

- (a) Investigators or Investigative Technicians (IT's) shall not transport prisoners of the opposite sex alone. If at all possible, an investigator of the opposite sex should be used to assist with the transportation. If that is not possible, an additional investigator is still required to assist with the transportation.
- (b) When transporting prisoners of the opposite sex, the radio (or telephone if radio transmission is not possible) shall be used to report the vehicle starting mileage, starting time, location of transportation, and intended destination to the dispatcher. Upon arrival, the dispatcher shall be advised of the ending mileage and time.

410.3.2 IN-CUSTODY INMATE-WITNESS

As a matter of practice, all in-custody inmate/witness transports to court from the custodial facility are to be conducted by the Riverside County Sheriff's Department. On occasion, when an investigator must conduct an in-custody inmate witness transport, it shall be done with the permission of the senior investigator's concerned supervisor or designee.

410.3.3 SAFETY ISSUES OF PRISONERS

- (a) Investigators and investigative technicians shall take every precaution to ensure their own safety and the safety of the prisoner.
- (b) A minimum of two sworn investigators/peace officers shall be utilized to transport a prisoner. An Investigative technician (I.T.) may not be substituted for one of the sworn investigators.
- (c) In rare circumstances, an investigative technician may transport a prisoner in a caged unit, but in an uncaged unit the I.T must have an investigator accompany him/her. The I.T. must get the consent of a supervisor prior to transporting. (See Section 410.4 for further)
- (d) The prisoner shall be handcuffed during transportation.
- (e) Prisoners shall wear a seat belt while being transported in a motor vehicle.
- (f) Staff shall inspect the interior of vehicles for contraband or safety hazards prior to, and after transportation.
- (g) Prisoners shall not be left unattended at any time.

Arrest and Prisoner Procedures

- (h) Investigators shall provide basic first aid to prisoners in transport if needed, until medical assistance arrives.

410.3.4 CALIFORNIA DEPARTMENT OF CORRECTIONS OR CALIFORNIA DEPARTMENT OF YOUTH AUTHORITY INMATES

- (a) Investigators have been cross-designated as deputy sheriff's for the purpose of transporting inmates pursuant to Penal Code sections 2620, 2621 and 2625.
- (b) Investigators shall include in "Declaration and Order for Transportation" forms that they have been cross-designated as a deputy sheriff for the County of Riverside pursuant to the above listed penal code sections(s). This cross- designation shall also be listed on the "Order" form signed by a judge.
- (c) Investigators should carry a copy of the current letter from the Riverside County Sheriff authorizing district attorney investigators cross designation as a deputy sheriff for the purpose of transporting inmates.
- (d) Investigative Technicians shall not transport or be involved in transporting any prisoners, inmate/witnesses, to or from state prison or the California Youth Authority.

410.3.5 ADDITIONAL CONSIDERATIONS

- (a) Investigators shall comply with existing radio procedures when transporting prisoners and witnesses.
- (b) Investigators shall comply with the procedures outlined in penal code sections 821, 822, and 827 regarding the transportation, booking, and appearance before a magistrate requirements when arresting and booking prisoners from another county.
- (c) See Policy 406, for security and movement of prisoners within the district attorney's office buildings.
- (d) Commercial transportation
 1. The handcuffing of prisoners while utilizing commercial transportation can be affected by the policies and procedures of the commercial transportation carrier. Investigators shall take the necessary precautions to ensure their own safety and the safety of other citizens while complying with the commercial carrier's policies.

410.4 TRANSPORTATION BY INVESTIGATIVE TECHNICIANS

Investigative Technicians shall not transport or assist in the transportation of any arrestees or inmate/witnesses, non-criminal witnesses, or victims without first successfully completing a Bureau transport training program.

Arrest and Prisoner Procedures

Investigative Technicians may, with supervisory approval, safely transport non-violent and non-flight risk arrestees or inmate/witnesses. The investigative technician may also transport non-criminal arrestees with approval. The Investigative Technician shall advise the supervisor of all known past violent behavior, criminal sophistication, or gang membership. The investigative technician will transport arrestees only in a caged unit, unless accompanied by a sworn investigator. The investigative technician may use a non-cage unit to transport victims and non-criminal witnesses.

Investigative Technicians shall wear clothing with clear Bureau insignias. The arrestee will be placed in appropriate restraints by sworn personnel and the restraints may only be removed by sworn personnel or jail staff.

In the case of an attempted escape or vandalism to the unit, investigative technicians will not pursue or use force other than in self defense.

410.5 ARREST AND/OR DETENTION OF FOREIGN NATIONALS

See policy 411 for policy on the arrest and detention of foreign nationals.

Arrest or Detention of Foreign Nationals

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Riverside County District Attorney - Bureau of Investigation extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Riverside County District Attorney - Bureau of Investigation respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Arrest or Detention of Foreign Nationals

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers
 - 5. Whenever an investigator arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the investigator shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the investigator shall begin the notification process.

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Arrest or Detention of Foreign Nationals

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Arrest or Detention of Foreign Nationals

Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability
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Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding investigators in situations that call for rapid response and deployment.

412.2 POLICY

The Riverside County District Attorney - Bureau of Investigation will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Bureau in protecting themselves or others from death or serious injury.

412.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding investigators should consider reasonable options to immediately eliminate the threat. Investigators must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action investigators should consider:

- (a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more investigators whenever reasonably possible.
- (b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
- (c) Whether the investigators have the ability to effectively communicate with others in the field.
- (d) Whether planned tactics can be effectively deployed.
- (e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.
- (f) In a case of a barricaded suspect with no hostages and no immediate threat to others, investigators should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

Rapid Response and Deployment

- (g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the investigator should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

Reporting Police Activity Outside of Jurisdiction

413.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Riverside County District Attorney - Bureau of Investigation.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When an investigator is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or a Bureau Commander. If the request is of an emergency nature, the investigator shall notify the Dispatch Center before responding and thereafter notify a supervisor as soon as practical.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty investigator, who engages in law enforcement activities of any type outside the immediate jurisdiction of Riverside County shall notify his or her supervisor or Commander at the earliest possible opportunity. Any off-duty investigator who engages in any law enforcement activities, regardless of jurisdiction shall notify his supervisor as soon as practical.

The supervisor shall determine if a case report or other documentation of the investigator's activity is required. The report or other documentation shall be forwarded to the investigator's Bureau Commander.

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Riverside County District Attorney - Bureau of Investigation relating to immigration and interacting with federal immigration officials.

414.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

414.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this bureau in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or California constitutions.

414.4 IMMIGRATION INQUIRIES PROHIBITED

Investigators shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Immigration Violations

414.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

414.5 DETENTIONS AND ARRESTS

An investigator shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An investigator who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the investigator has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An investigator shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An investigator should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

414.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an investigator has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Transfer the person to jail.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this bureau should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

Immigration Violations

414.7 INFORMATION SHARING

No member of this bureau will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in bureau records
- (c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Riverside County District Attorney - Bureau of Investigation intends to comply with the request (Government Code § 7283.1).

If the Riverside County District Attorney - Bureau of Investigation provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

Immigration Violations

414.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Riverside County District Attorney - Bureau of Investigation shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

414.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

414.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Bureau of Investigations supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Law Office Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Bureau of Investigations supervisor assigned to oversee the handling of any related case. The Bureau of Investigations supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

Immigration Violations

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

414.8.1 TIME FRAMES FOR COMPLETION

Investigators and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Investigators and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

Contacts and Temporary Detentions

415.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an investigator contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the investigator is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the investigator's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by investigators in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the investigator, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an investigator has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an investigator intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an investigator actually restrains a person's freedom of movement.

415.2 POLICY

The Riverside County District Attorney - Bureau of Investigation respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the investigator, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the investigator based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

415.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an investigator may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the investigator's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Riverside County District Attorney - Bureau of Investigation to strengthen community involvement, community awareness, and problem identification.

415.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the investigator's training and experience, an investigator may pat a suspect's outer clothing for weapons if the investigator has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the investigator to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single investigator.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone investigator. A cover investigator should be positioned to ensure safety and should not be involved in the search.

415.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the investigator shall carefully consider, among other things, the factors listed below.

415.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the investigator should have the individual read and sign the appropriate form accompanying the photograph.

415.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law

Contacts and Temporary Detentions

enforcement purpose related to the detention. The investigator must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the investigator's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

415.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the law office supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

415.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

415.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, investigators should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.

Contacts and Temporary Detentions

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, investigators should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Riverside County District Attorney - Bureau of Investigation members.
1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

416.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Riverside County District Attorney - Bureau of Investigation appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

416.2 POLICY

The Riverside County District Attorney - Bureau of Investigation recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this bureau to collect and share relevant information while respecting the privacy and legal rights of the public.

416.3 CRIMINAL INTELLIGENCE SYSTEMS

No bureau member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Investigators has approved the system for bureau use.

Any criminal intelligence system approved for bureau use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for bureau use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

416.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this bureau, such as open or public source documents or documents that are on file at another agency, the designated

Criminal Organizations

supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Law Office Supervisor may not purge such documents without the approval of the designated supervisor.

416.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the bureau-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

416.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible bureau supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Forensic Technician, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Dispatch Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

416.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

Criminal Organizations

416.5 INFORMATION RECOGNITION

Bureau members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Bureau supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

416.6 RELEASE OF INFORMATION

Bureau members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to bureau members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

416.7 CRIMINAL STREET GANGS

The Bureau of Investigations supervisor should ensure that there are an appropriate number of bureau members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
 - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
 - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
 - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

Criminal Organizations

- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

416.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Body Worn Cameras (BWC)

417.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of body worn camera recording devices by members of this bureau while in the performance of their duties. Body worn cameras (BWC) are issued by the Bureau of Investigation and are the only authorized video recording devices to be worn by bureau personnel.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Riverside County District Attorney - Bureau of Investigation facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

417.2 POLICY

The Riverside County District Attorney - Bureau of Investigation may provide members with access to body worn cameras for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Bureau by accurately capturing contacts between members of the Bureau and the public.

Bureau personnel

417.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any bureau-issued device at any time, and any recording made while acting in an official capacity for this bureau shall remain the property of the Bureau. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

417.4 MEMBER RESPONSIBILITIES

Members will be trained by department personnel prior to utilizing a body worn camera.

Uniformed members will be responsible for making sure that if he/ she is equipped with a BWC issued by the Bureau, that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a BWC, the assigned member shall record his/her name, RDA identification number and the current date and time at the beginning and the end of the period of use, regardless of

Body Worn Cameras (BWC)

whether any activity was recorded. This procedure is not required when the BWC and related software captures the user's unique identification and the date and time of each recording.

Members shall mount the BWC on the exterior of their clothing in such a fashion as to ensure that the camera portion is not covered, and is in a position to conduct complete video recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

417.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a body worn camera as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

417.5 ACTIVATION OF THE BODY WORN CAMERA

This policy is not intended to describe every possible situation in which the body worn camera should be used, although there are many situations where its use is appropriate. Members should activate the BWC any time the member believes it would be appropriate or valuable to record an incident.

The body worn camera should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Dispatch Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Some examples in which a person would have a reasonable expectation of privacy include a dressing room, medical and/or psychiatric facility, or the incident involves the exposure of private body parts. The exception to this would be when the investigator believes the recording is necessary for capturing evidence, or the investigator believes the recording will serve a proper law enforcement service. Reasonable attempts should be made to avoid recording persons other than the suspect.

Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Body Worn Cameras (BWC)

At no time is a member expected to jeopardize his/her safety in order to activate a body worn camera or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

417.5.1 SURREPTITIOUS USE OF THE BODY WORN CAMERA

Members of the Bureau may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another bureau member without a court order unless lawfully authorized by the Chief of Investigators or the authorized designee.

417.5.2 CESSATION OF RECORDING

Once activated, the body worn camera should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

Body worn cameras shall be turned off when a victim, witness, or community member reporting a crime requests that the camera be turned off. The request should be captured on the recording. However, an investigator may continue to record, or resume recording a victim or witness, if the investigator has a reasonable suspicion that the victim or witness has committed or is in the process of committing a crime.

Investigators shall turn off the BWC during any court related matter, to include pre-trial conferences, depositions, or any other activity in the courtroom.

417.5.3 EXPLOSIVE DEVICE

Body worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

417.6 PROHIBITED USE OF BODY WORN CAMERAS

Members are prohibited from using bureau-issued body worn cameras and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty.. Members shall not duplicate or distribute such recordings, except for authorized legitimate bureau business purposes. All such recordings shall be retained at the Bureau.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Body Worn Cameras (BWC)

Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without the prior authorization of a supervisor. Any violations related to the unauthorized edits, alterations, or dissemination of this date shall be cause for disciplinary action.

417.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

All body worn camera recordings are considered evidence. The BWC will be placed in the proper charging receptacle at the end of each shift. It is the responsibility of each investigator to ensure that all relevant videos, as designated in 417.7 a through f, are properly tagged and uploaded.

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

The uploaded recordings should be labeled according to the case number, investigator's name, and identification number. Each recording shall be appropriately titled. Investigators shall mark all footage properly and as soon as possible after the event.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

417.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports or in preparing to make a statement related to the investigator's conduct, such as an officer-involved-shooting, members should review their recordings as a resource. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct. The supervisor must have articulable and specific reasons for this review.

Recorded files may also be reviewed:

Body Worn Cameras (BWC)

- (a) Upon approval by a supervisor, by any member of the Bureau who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Investigators or the authorized designee. The BWC Coordinator, or their designee, will notify the involved personnel of the pending media release if practicable.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) For training purposes when specific recordings are requested for review by a team, such as SAU, or any other investigative group that can articulate a training need.

All recordings should be reviewed by the Custodian of Records prior to public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

There shall be no random searches of body worn camera recordings conducted by supervisors or managers of the bureau. All BWC reviews will be conducted in compliance with section 417.8. If while viewing a recording for a legitimate reason as stated in 417.8, a new and separate criminal or policy violation is observed, the reviewer shall have the authority to initiate a separate investigation into the new violations.

417.9 COORDINATOR

The Chief of Investigators or the authorized designee shall appoint a member of the Bureau to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining logs of access and deletions of recordings.

Body Worn Cameras (BWC)

- (h) Addressing additional training and program needs that may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
- (i) Complete an annual review of Bureau compliance with this policy, the performance of hardware and software, as well as the overall performance of the video evidence program. A report will be submitted to the Chief of Investigators in the first quarter of each year detailing any problems, deficiencies or anticipated needs.

417.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incidents involving use of force by an investigator
- (b) Officer-involved shootings
- (c) Incidents that lead to the detention or arrest of an individual
- (d) Recordings relevant to a formal or informal complaint against an investigator or the Riverside County District Attorney - Bureau of Investigation

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

417.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Foot Pursuits

418.1 PURPOSE AND SCOPE

This policy provides guidelines to assist investigators in making the decision to initiate or continue the pursuit of suspects on foot.

418.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Investigators must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Investigators may be justified in initiating a foot pursuit of any individual the investigator reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an investigator must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no investigator or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an investigator should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

Foot Pursuits

418.3 GENERAL GUIDELINES

When reasonably practicable, investigators should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The investigator is acting alone.
- (c) Two or more investigators become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single investigator keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The investigator is unsure of his/her location and direction of travel.
- (e) The investigator is pursuing multiple suspects and it is not reasonable to believe that the investigator would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the investigator renders him/her incapable of controlling the suspect if apprehended.
- (g) The investigator loses radio contact with the dispatcher or with assisting or backup investigators.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient investigators to provide backup and containment. The primary investigator should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The investigator becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to investigators or the public.
- (j) The investigator reasonably believes that the danger to the pursuing investigators or public outweighs the objective of immediate apprehension.
- (k) The investigator loses possession of his/her firearm or other essential equipment.
- (l) The investigator or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

Foot Pursuits

- (o) The investigator's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

418.4 RESPONSIBILITIES IN FOOT PURSUITS

418.4.1 INITIATING INVESTIGATOR RESPONSIBILITIES

Unless relieved by another investigator or a supervisor, the initiating investigator shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating investigator should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient investigators are present to safely apprehend the suspect.

Early communication of available information from the involved investigators is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Investigators initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Absent extenuating circumstances, any investigator unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

418.4.2 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved investigators.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Investigations supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

Foot Pursuits

418.5 POLICY

It is the policy of this department that investigators, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Investigators are expected to act reasonably, based on the totality of the circumstances.

Crisis Intervention Incidents

419.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an investigator to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

419.2 POLICY

The Riverside County District Attorney - Bureau of Investigation is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Bureau will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

419.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

419.4 INTERACTIONS

Safety is a priority for investigators. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to investigators; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an investigator's authority to use reasonable force when interacting with a person in crisis.

Investigators are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An investigator interacting with a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup investigators and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) Attempt to determine if weapons are present or available.
 - (a) Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (d) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the investigator.
- (e) Employ tactics to preserve the safety of all participants.
- (f) Request a supervisor, as warranted.
- (g) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (h) If circumstances reasonably permit, consider and employ alternatives to force.

419.5 DE-ESCALATION

Investigators should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

Crisis Intervention Incidents

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

investigators generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

419.6 INCIDENT ORIENTATION

When interacting with someone on crisis incidents, the investigator should request that Dispatch provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous bureau response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

419.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

Crisis Intervention Incidents

- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

419.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to bureau reporting procedures or other official mental health or medical proceedings.

419.9 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, serving subpoenas, or as the Officer of the Day.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an investigator should be promptly summoned to provide assistance.

Bureau Rifles

420.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, "active shooters", encounters with armed and/or multiple suspects in rural areas where assistance may be delayed, or at distances posing unusual officer safety concerns, the Riverside County District Attorney - Bureau of Investigation will make patrol rifles available to qualified investigators as an additional and more immediate tactical resource

420.1.1 RESOURCE

- (a) To provide the capability to neutralize violent suspect actions that threaten, endanger, or could possibly result in serious bodily injury or the loss of life.
- (b) Provide on-scene weapon support that can project deadly force capability beyond the effective range of handguns, shotguns or submachine guns
- (c) May be deployed as part of inner perimeter containment line.
- (d) May be deployed in a specially selected position not necessarily on the containment line because these positions provide superior threat engagement and observation capability.
- (e) Provide protective assault weapon capability in support of on scene investigators assigned to:
 1. Containment positions
 2. Evacuations
 3. Emergency rescues
 4. Other enforcement or tactical scenarios which may require long range cover
- (f) Provide immediate on-scene rifle capability until allied tactical teams arrive.

420.2 BUREAU RIFLE

420.2.1 DEFINITION

A Bureau rifle is an authorized weapon which is owned by the Department or privately owned and which is made available to properly trained and qualified investigators as a supplemental resource to their duty handgun or shotgun. No unauthorized modifications of any kind may be made to Bureau owned rifles. Personally owned rifles may be carried for investigative duty if pre-approved in writing by the Chief of Investigators or the department Range Master.

420.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Investigators, may be used by investigators in their law enforcement responsibilities. The authorized tactical rifles issued by the Bureau shall be the Colt M-16 Commando (11.5" barrel) or M-16 rifle (20" barrel), chambered for 5.56x45mm (.223 Remington) cartridges, the MP5A3 or

Bureau Rifles

MP5K submachine gun, chambered for 9x19mm (9mm Parabellum) cartridges, or other Bureau owned or privately owned rifles as authorized by the Range master and/or Chief of Investigators.

420.4 RIFLE MAINTENANCE

- (a) All tactical rifles will be maintained in a clean, serviceable, and properly lubricated condition.
- (b) Primary responsibility for maintenance of issued bureau rifles shall fall on the Investigator to who the rifle is issued.
- (c) Each investigator carrying a bureau rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (d) Each investigator shall be responsible for promptly reporting any damage or malfunction of an assigned bureau rifle.
- (e) Any bureau rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label.
- (f) Each bureau rifle shall be subject to inspection by a supervisor or the Range master at any time.
- (g) No modification shall be made to any bureau rifle without prior written authorization from the Range master.

420.5 TRAINING

Investigators shall not carry or utilize the tactical rifle unless they have successfully completed a training course provided by Bureau range staff, or comparable training approved by the Range master. Investigators shall qualify before using a tactical rifle on duty, and thereafter be required to complete bi-annual training and qualification conducted by Bureau range staff.

Investigators who deploy optically sighted tactical rifles for duty use shall qualify additionally without optics, using only back up iron sights, on a basis to be determined by the Range master.

Tactical rifle qualification standards and course of fire will be set by the Range master and approved by the Chief of Investigators.

Any investigator who either A) fails to fire a passing score during a Bureau sanctioned training/qualification session, or B) fails to attend annual, regularly scheduled training/qualification sessions will be immediately de-certified and will no longer be authorized to carry the tactical rifle until such time as they successfully re-qualify.

The make, model, caliber, and serial number of the tactical rifle shall be recorded by the Range master or his designee, along with the qualification score, before the tactical rifle is carried on duty

Bureau Rifles

420.6 DEPLOYMENT OF THE BUREAU RIFLE

Investigators may deploy the bureau rifle in any circumstance where the investigator can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the investigator reasonably anticipates an armed encounter.
- (b) When an investigator is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an investigator reasonably expects the need to meet or exceed a suspects firepower.
- (d) When an investigator reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- (e) When an investigator reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal
- (h) Investigators in business attire or otherwise not in law enforcement uniform should be especially cognizant of their appearance when deploying any firearm, especially the tactical rifle, as they may not be easily identifiable as law enforcement personnel to other officers on scene
 - (a) For this reason, non-uniformed investigators shall take steps to positively identify themselves as law enforcement officers before deploying tactical rifles in the field, when it is reasonable to do so without jeopardizing their own safety or the safety of others.
 - (b) These steps should include a) Donning a garment that immediately identifies the wearer as law enforcement (e.g. a vest, body armor carrier, or jacket with readily visible law enforcement insignia)and/or prominently displaying their issued badge, and making verbal announcements identifying oneself as a peace officer as necessary.

420.7 RIFLE STORAGE

- (a) When not in use, bureau rifles will be stored in the department armory in an approved, locked storage rack, container, or safe. An investigator authorized to home garage their department vehicle may store the bureau rifle inside the vehicle if the rifle is secured in a locked gun rack or a locked case secured in the vehicle trunk. The vehicle must be secured in a garage or other facility per policy.
- (b) At the start of each assigned shift, any qualified, on-duty investigator may contact a Bureau Commander, a supervisor, or member of the range staff for access to the department armory.
- (c) When not deployed, in-service bureau rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Bureau Rifles

- (d) At the end of the assigned investigator's shift, the bureau rifle will be returned and secured in the department armory, or other appropriate secure location.
- (e) Investigators assigned to a regional task force may secure the weapon in an approved gun safe at the task force location or law enforcement facility.

Medical Aid and Response

421.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

421.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that all investigators and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

421.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should not direct EMS personnel whether to transport the person for treatment.

421.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Investigators should search any person who is in custody before releasing that person to EMS for transport.

An investigator should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

421.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an investigator shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

Medical Aid and Response

421.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

421.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

421.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in bureau vehicles should check the AED on a regular basis to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS. If an AED is used, the investigator will complete an incident report detailing its use.

421.7.2 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

421.8 ADMINISTRATION OF NALOXONE

The Bureau recognizes the importance of providing rapid aid to bureau/emergency personnel in an opioid induced medical emergency. The Chief of Investigations may authorize the acquisition of Naloxone for use by Bureau members as provided by Health and Safety Code § 1797.197a. The Training Manager shall create and maintain an operations plan for the storage, maintenance, use and disposal of Naloxone as required by Health and Safety Code § 1797.197a(f).

Naloxone is a medication that rapidly reverses the effects of opioid overdose and is the standard treatment for overdose. The use of Naloxone enables bureau members to make this emergency treatment more readily available and accessible. The purpose of this policy is to provide guidelines to facilitate proper training, use and when applicable, the administration of this emergency medication.

Medical Aid and Response

There are three FDA-approved forms of Naloxone. The Bureau of Investigation will use the Prepackaged Nasal Spray NARCAN. NARCAN Nasal Spray is a prefilled, needle-free device that requires no assembly and is sprayed into one nostril while the patient lies on their back.

421.8.1 NALOXONE USER RESPONSIBILITIES

Bureau personnel may administer naloxone spray to affected bureau personnel, other emergency personnel, as well as any individual appearing to be experiencing an opioid related overdose. Once the bureau member administers naloxone, the patient should be observed constantly until emergency medical care arrives. The bureau member will advise medical personnel of the naloxone use.

Members should handle, store, and administer naloxone consistent with their training and the Bureau operations plan. Members should regularly check their issued naloxone to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Bureau Operations Plan.

Any member who administers naloxone should contact the Dispatch Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

The Bureau's Training Coordinator shall be responsible for oversight of the Naloxone inventory, policy, training needs, replacement of expired units, record keeping, and replacements.

421.8.2 NALOXONE REPORTING

Any member who administers naloxone shall detail its use in an appropriate report. A supervising investigator shall notify his chain of command as soon as practical and complete all necessary paperwork, including worker's compensation paperwork.

The Training Manager should ensure that the Law Office Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of naloxone shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

421.8.3 NALOXONE TRAINING

The Training Manager should ensure that members authorized to administer naloxone are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019. The recertification training should take place every two years.

Only bureau members trained in the use of naloxone are authorized to administer it.

All participating bureau members will receive initial training that will include, but not limited to:

- * An overview of CA Title 22, Division 9
- * An overview of the bureau naloxone policy

Medical Aid and Response

- * Patient Assessment, universal precautions, and rescue breathing
- * Summoning emergency services
- * The use of naloxone and follow-up documentation

421.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the investigator has reason to believe the arrestee is feigning injury or illness, the investigator should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the investigator should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Investigators shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an investigator from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the investigator's training.

421.10 FIRST AID TRAINING

The Training Manager should ensure investigators receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

First Amendment Assemblies

422.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

422.2 POLICY

The Riverside County District Attorney - Bureau of Investigation respects the rights of people to peaceably assemble. It is the policy of this bureau not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

422.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, investigators shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors investigators may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Investigators should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an investigator is placing a person under lawful arrest.

Supervisors should continually observe bureau members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

First Amendment Assemblies

422.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating bureau performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

422.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding investigator should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

422.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

422.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

First Amendment Assemblies

- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

422.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.

First Amendment Assemblies

- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

422.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

422.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

422.7 USE OF FORCE

Use of force is governed by current bureau policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to

First Amendment Assemblies

harm investigators, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this bureau shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

422.8 ARRESTS

The Riverside County District Attorney - Bureau of Investigation should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of investigators and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

422.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

422.9.1 MEDIA ACCESS

If investigators close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First

First Amendment Assemblies

Amendment, investigators shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

422.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

422.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

422.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

422.12 TRAINING

Bureau members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Bureau should, when practicable, train with its external and mutual aid partners.

Investigators should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

First Amendment Assemblies

422.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by investigators who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an investigator, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

422.13.1 USE SUMMARY

The XXX Bureau Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the bureau website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Bureau at the time of the report and include the information required in Penal Code § 13652.1.

Chapter 5 - Investigations

Investigation and Prosecution

500.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

500.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

500.3 INITIAL INVESTIGATION

500.3.1 INVESTIGATOR RESPONSIBILITIES

An investigator responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the investigator shall:
 - (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - (c) If assistance is warranted, or if the incident is not routine, notify a supervisor.
 - (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - (e) Collect any evidence.
 - (f) Take any appropriate law enforcement action.
 - (g) Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

500.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an investigator shall be requested.

Investigation and Prosecution

500.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

500.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Bureau of Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

500.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an investigator, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

Investigation and Prosecution

- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

500.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

500.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, investigators should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, investigators should take reasonable steps to prepare for such seizure and use the resources that are available.

Investigation and Prosecution

500.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment. Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

500.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

500.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Investigators should seek legal counsel before any such interception.

500.8 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Bureau of Investigations Bureau Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

Investigation and Prosecution

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
 - 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 - 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 - 3. Training requirements necessary for those authorized employees.
 - 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 - 5. Process and time period system audits.
 - 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 - 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
 - 8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

500.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Investigators. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Sexual Assault Investigations

501.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

501.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

501.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

501.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

Sexual Assault Investigations

501.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written. This includes incidents in which the allegations appear unfounded or unsubstantiated.

501.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Bureau of Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

501.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

501.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

Sexual Assault Investigations

501.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned investigator shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the investigator shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The investigator shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the investigator or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

501.7.2 VICTIM CONFIDENTIALITY

Investigators investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting investigator shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this bureau shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

501.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

Sexual Assault Investigations

501.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned investigator shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned investigator determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the investigator shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned investigator shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned investigator shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

501.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this bureau is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

Sexual Assault Investigations

- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
 - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
 - 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned investigator informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 - 1. Although such information may be communicated orally, the assigned investigator should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. No investigator shall be required or expected to release any information which might impede or compromise any ongoing investigation.

501.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Forensic Technician supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

Asset Forfeiture

502.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

502.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Investigators to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Riverside County District Attorney - Bureau of Investigation seizes property for forfeiture or when the Riverside County District Attorney - Bureau of Investigation is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Investigators who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- (a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
 5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

Asset Forfeiture

- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 - 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

502.2 POLICY

The Riverside County District Attorney - Bureau of Investigation recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Riverside County District Attorney - Bureau of Investigation that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

502.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

502.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 - 1. The property subject to forfeiture is legally seized incident to an arrest.
 - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing investigator can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Asset Forfeiture

Investigators aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

502.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

502.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The investigator seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

502.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the investigator making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the investigator must leave the copy in the place where the property was found, if it is reasonable to do so.

Asset Forfeiture

- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The investigator will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Investigators who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

502.5 MAINTAINING SEIZED PROPERTY

The Forensic Technician Supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

502.6 FORFEITURE REVIEWER

The Chief of Investigators will appoint an investigator as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

Asset Forfeiture

- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to investigators. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that investigators who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 - 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

Asset Forfeiture

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to investigators.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
 - (i) Ensuring that a written plan that enables the Chief of Investigators to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).
 - (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (Health and Safety Code § 11495).

502.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

Asset Forfeiture

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

502.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Riverside County District Attorney - Bureau of Investigation shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

502.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

503.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

503.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - Those who assist law enforcement by providing information in return for consideration in the form of monetary payment, goods, or services.

The District Attorney's Office recognizes that state law and the federal constitution allow police agencies to provide monetary payment in exchange for investigative assistance from civilian members of the community. This can be an effective investigative tool. Additionally, police agencies may use paid informants without prior authorization from the District Attorney's office. It is important, however, that the District Attorney's Office document whenever it learns that a potential prosecution witness has worked for law enforcement as a paid informant.

503.2 POLICY

The Riverside County District Attorney - Bureau of Investigation recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this bureau that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

503.3 USE OF INFORMANTS

503.3.1 INITIAL APPROVAL

Before using an individual as an informant, an investigator must receive approval from his/her supervisor. The investigator shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

The investigator shall also notify their assigned Deputy District Attorney whenever entering into a paid agreement with an informant. The investigator will complete a Documentation of Paid Assistance to Law Enforcement form (See Section 503.7). The form should be submitted to the Deputy District Attorney who will submit it to her chain of command as outlined in the Deputy District Attorney policy manual.

Members of this bureau should not guarantee absolute safety or confidentiality to an informant.

503.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Informants

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Investigators or the authorized designee

503.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated bureau informant agreement. The investigator using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

503.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Investigators, Bureau Commander, supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as bureau investigators, employees or agents of the Riverside County District Attorney - Bureau of Investigation, and that they shall not represent themselves as such.
- (d) The relationship between bureau members and informants shall always be ethical and professional.
 - (a) Members shall not become intimately involved with an informant.
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the supervisor.
 - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Investigators shall not meet with informants in a private place unless accompanied by at least one additional investigator or with prior approval of the supervisor.
 - (a) Investigators may meet informants alone in an occupied public place, such as a restaurant. When a solo male investigator is meeting with a female informant, the investigator shall record the conversation to avoid any accusation of impropriety.

Informants

- (f) When contacting informants for the purpose of making payments, investigators shall arrange for the presence of another investigator.
- (g) In all instances when bureau funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, investigators shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

503.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Bureau and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an investigator or other law enforcement personnel.
- (c) The informant reveals to suspects the identity of an investigator, other law enforcement personnel, or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this bureau to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of investigators or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

503.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of bureau members or the reliability of the informant.

Informants

Informant files shall be maintained in a secure area. The supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Investigators, Bureau Commander, supervisor or their authorized designees.

The Bureau of Investigations Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

503.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The supervisor will discuss the above factors with the Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Investigators or his designee.

503.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a buy/expense fund.
 - (a) The supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the investigator who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Investigators and the District Attorney are required for disbursement of the funds.

Informants

- (c) To complete the payment process for any amount, the investigator delivering the payment shall complete a cash transfer form.
 - (a) The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Riverside County District Attorney - Bureau of Investigation case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - (b) The cash transfer form shall be signed by the informant.
 - (c) The cash transfer form will be kept in the informant's file.

503.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of investigators or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

503.6.3 AUDIT OF PAYMENTS

The supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Investigators or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

503.7 DOCUMENTATION OF PAID ASSISTANCE TO LAW ENFORCEMENT FORM

See attachment: [Form - Documentation of Paid Assistance to Law Enforcement.pdf](#)

Eyewitness Identification

504.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this bureau employ eyewitness identification techniques (Penal Code § 859.7).

504.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

504.2 POLICY

The Riverside County District Attorney - Bureau of Investigation will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

504.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

504.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Bureau of Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

504.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

504.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

504.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

504.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

504.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

504.7.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

504.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

Eyewitness Identification

used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

California Witness Relocation Assistance Program (CAL WRAP)

505.1 PURPOSE AND SCOPE

It is the policy of the district attorney that application for reimbursement for all necessary expenses associated with the protection, relocation, housing and subsistence of victims, witnesses, their families, friends and associates, who are endangered due to ongoing or anticipated testimony, shall be made to the California Witness Relocation Assistance Program (CAL WRAP) according to the provisions of Penal Code sections 14020 through 14033 and all applicable CAL WRAP guidelines and procedures.

Attorney staff, the investigator(s), Victim Witness Assistance Unit, and the CAL WRAP Technician of the Riverside Administrative Services Section, together shall be responsible for coordinating the implementation of all victim/witness protection and relocation plans and agreements, collecting supporting documents and receipts, and the timely submission of reimbursement application forms and reports to CAL WRAP. (The CAL WRAP Quick Reference Guide)

505.2 EMPLOYEE RESPONSIBILITIES

Employees of the District Attorney's Office shall follow the outlined procedures when requesting and implementing a CAL WRAP case.

505.2.1 INVESTIGATORS

Investigators (case agents) must submit for advanced approval to an assistant district attorney or their designee, via the chain of command for any request, plan or agreement for the protection or relocation of victims, witnesses, their families, friends and associates, who are expected to provide testimony that will result in the expenditure of office funds.

505.2.1 BUREAU OF INVESTIGATION

The Bureau, through the chain of command of each of its sections, shall:

- (a) Evaluate the need for the protection, relocation, housing, and subsistence needs and exhaust other means of protecting the individual(s) prior to placing the person into CAL WRAP. (IE: family, friends, self-relocation, etc.
- (b) Coordinate the protection, relocation, housing, and subsistence needs of victims, witnesses, their families, friends and associates, who are endangered due to ongoing or anticipated testimony.
- (c) Coordinate with the CAL WRAP Technician of the Riverside Administrative Services Section to include collecting and gathering receipts and documentation of reimbursable expenses and forwarding such to the Accounting Unit.
- (d) Complete all required CAL WRAP forms and status reports and deliver them to the CAL WRAP Technician.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

California Witness Relocation Assistance Program (CAL WRAP)

- (e) The case agent must notify the CAL WRAP coordinator for approval. The case will only be authorized for three months. An extension can be requested if needed.

505.2.3 ADMINISTRATIVE SERVICES DIVISION

The CAL WRAP Technician of the Riverside Administrative Services Section shall maintain all original CAL WRAP Agreement files and track all requests for reimbursement submitted by the handling investigators to verify that allowable reimbursement requested and approved is actually received from CAL WRAP and properly deposited.

505.2.4 RIVERSIDE CAL WRAP TECHNICIAN

The CAL WRAP Technician in Riverside shall:

- (a) Maintain a supply of CAL WRAP reimbursement application forms and basic instructions and guidelines for their use;
- (b) Maintain a liaison/communication with CAL WRAP in Sacramento;
- (c) Coordinate with attorney staff, the investigators, the Victim Witness Assistance Unit, and CAL WRAP, to make timely and proper written application for reimbursement of allowable expenses for victim/witness protection, relocation and subsistence;
- (d) Establish a separate file for each CAL WRAP Agreement/case;
- (e) Forward all necessary correspondence, letters and forms for reimbursement of allowable expenses to CAL WRAP in Sacramento;
- (f) Maintain all necessary receipts and documentation required by CAL WRAP in the Agreement/case file;
- (g) Forward all necessary status reports to CAL WRAP within 15 days;
- (h) Notify CAL WRAP upon termination or disposition of each CAL WRAP Agreement or case;
- (i) Immediately notify other involved units and sections of changes in CAL WRAP forms, policies or procedures.
- (j) Forward all monetary distributions by case to the Bureau CAL WRAP Coordinator and Riverside gang unit supervisor on a monthly basis, via email attachment.

505.3 CASE IMPLEMENTATION PROCEDURES

The unit investigator or supervisor must work closely with the assigned deputy district attorney, victim witness assistance advocate, and the administrative services unit to ensure all procedures are followed when initiating and monitoring a CAL WRAP case.

505.3.1 BUREAU OF INVESTIGATION - CASE AGENT

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

California Witness Relocation Assistance Program (CAL WRAP)

- (a) Once a request for protection and/or relocation of a victim, witness, their families, friends or associates, has been approved, (See Quick Reference Guide) the bureau of investigation shall assign one or more investigator(s) who will be responsible for the following:
 - 1. In the case of emergency or imminent danger to a victim or witness, the assigned investigator(s) shall contact CAL WRAP at telephone (916) 319-9603 to obtain immediately telephonic authorization to encumber CAL WRAP funds.
 - (a) Within 24 hours, notify the Riverside CAL WRAP Technician of the relocation. Note: Selected investigators (SAU Team and Gang Unit) have been issued procurement cards for use in emergency or imminent danger situations involving victims, witnesses, or their families.
 - 2. In all cases:
 - (a) Complete CAL WRAP Program Application Form CAL WRAP1, including case information, summary of victim/witnesses testimony, summary of victim/witnesses background, and defendant information, and deliver it to the Riverside CAL WRAP Technician;
 - (b) Complete the Witness Agreement Form CAL WRAP3 and deliver it to the Riverside CAL WRAP Technician;
 - (c) Complete the Riverside District Attorney Victim/Witness Protection and Relocation Investigators Log.
 - 1. Email the completed form as an attachment to the Bureau CAL WRAP Coordinator and Riverside gang supervisor within twenty-four (24) hours of initiating the relocation.
 - 2. Take a digital photograph of the protected person and email it to the Bureau CAL WRAP Coordinator with the Investigators Log.
 - (d) The Bureau CAL WRAP Coordinator shall enter the witness/victim information from the Victim/Witness Protection and Relocation Investigators Log into the CAL WRAP Database within twenty-four (24) hours of receipt.
 - (e) Assist the Riverside CAL WRAP Technician by obtaining and providing information to complete any other CAL WRAP forms or correspondence that may be needed to obtain reimbursement for allowable expenses;
 - (f) On all monetary distributions to the victim/witness, complete an Affidavit of Disbursement. Provide a copy to the CAL WRAP Technician.
 - (g) Upon termination of an Agreement, complete CAL WRAP Questionnaire Form CAL WRAP9 and deliver it to the Riverside CAL WRAP Technician.
 - (h) Maintain a separate CAL WRAP casebook for each CAL WRAP case which should include copies of the CAL WRAP agreement forms, all receipts, rental agreements, affidavit of disbursement forms, and any other documents pertinent to the CAL WRAP case.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

California Witness Relocation Assistance Program (CAL WRAP)

- (i) Provide Bureau CAL WRAP Coordinator via email with monthly updates on significant case events (IE: new threats to witness, witness failure to follow plan, witness termination from CAL WRAP, etc.)
3. Take the lead role in carrying out the protection/relocation Agreement plan;
4. Immediately advise the Riverside CAL WRAP Technician of any change of victim/witness status, including:
 - (a) if victim/witness is arrested;
 - (b) if victim/witness violates agreement;
 - (c) any adverse conditions reported by victim/witness
 - (d) any breach of security by victim/witness;
 - (e) if need for protection has ended;
 - (f) if the case has been adjudicated.
5. Forward all receipts, contracts, support documents, etc., to the CAL WRAP Technician to be kept in the CAL WRAP Agreement file.
6. If a victim or witness declines assistance in CAL WRAP complete a Declination Form and forward it to the Bureau CAL WRAP Coordinator.
7. Upon termination of the person in the program the case agent must complete a termination letter which must be reviewed by bureau supervision and then approved by an assistant chief investigator and chief assistant district attorney.

505.3.2 BUREAU OF INVESTIGATION - BUREAU CAL WRAP COORDINATOR

- (a) Maintain the CAL WRAP database by entering the protected person's confidential information from the Victim/Witness Protection and Relocation Investigators Log and digital photograph within twenty-four (24) hours of receipt.
- (b) Enter all monetary distributions into the database monthly, as provided by the CAL WRAP Technician and email a copy to the chief assistant district attorney on a monthly basis. .
- (c) Maintain a file on persons who decline CAL WRAP assistance. Ensure that the Declination Form is completed. Enter the declination information into the Officer of the Day log.

505.3.3 RIVERSIDE CAL WRAP TECHNICIAN

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

California Witness Relocation Assistance Program (CAL WRAP)

- (a) Once a request for protection and/or relocation of a victim, witness, their families, friends or associates, has been approved, the Riverside CAL WRAP Technician shall work closely with the involved attorneys, the assigned investigator, and Victim/Witness Unit to accomplish the following:
1. Provide the assigned investigator(s) a packet of CAL WRAP forms and basic instructions and guidelines for their use;
 2. Verify that all necessary information has been entered on Program Application Form CAL WRAP1 and immediately forward it to CAL WRAP in Sacramento;
 3. Coordinate with CAL WRAP in Sacramento to verify the written application is approved;
 4. Verify that all necessary information has been entered on the Witness Agreement Form CAL WRAP3 and immediately forward it to CAL WRAP in Sacramento;
 5. Receive the approved Agreement from CAL WRAP in Sacramento and create a separate file for each Agreement/case;
 6. Immediately, via email, notify the Bureau CAL WRAP Coordinator and the Riverside gang unit supervisor that a new CAL WRAP case has been opened.
 7. Immediately forward any "status reports" to CAL WRAP in Sacramento;
 8. Notify CAL WRAP in Sacramento of termination of the Agreement when:
 - (a) the Agreement expires;
 - (b) the case is adjudicated;
 - (c) the witness violates the agreement.
 9. Prepare and send a Reimbursement Request Letter to CAL WRAP in Sacramento with the following information:
 - (a) statement as to whether request is monthly or final;
 - (b) to whom the expenses are payable;
 - (c) itemize reimbursable expenses.
 10. Upon termination of the CAL WRAP Agreement/case, verify that all necessary information has been entered on CAL WRAP Questionnaire Form CAL WRAP9 and forward it to CAL WRAP in Sacramento;
 11. Monitor and verify actual receipt of reimbursement from CAL WRAP in Sacramento;
 12. Immediately notify the handling investigator(s) and the Victim/Witness Assistance Unit of any changes of CAL WRAP forms, policies, or procedures.

Unmanned Aerial System (UAS) Operations

506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

506.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Certificate of Authorization (COA) - A certificate issued by the Federal Aviation Administration (FAA) which authorizes a public agency to conduct flight activity related to the agency's public purpose. A COA exempts public agencies from complying with certain FAA regulations related to Airworthiness and Pilot Certification.

506.2 POLICY

Unmanned aerial systems may be utilized to enhance the bureau's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. UAS will only be used to effect a legitimate law enforcement purpose.

506.3 PRIVACY CONSIDERATIONS

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

506.4 PROGRAM COORDINATOR

The Chief of Investigators will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

Unmanned Aerial System (UAS) Operations

- Ensuring that all authorized operators and required observers have completed all required FAA and bureau-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Investigators or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Facilitating law enforcement access to images and data captured by the UAS.

506.5 USE OF UAS

UAS may be used to provide aerial imaging to Bureau personnel to further a legitimate law enforcement operation. All operations must be in compliance with this policy, FAA regulation, and with a respect for constitutional rights and privacy.

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should primarily be conducted during daylight hours.

506.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

Unmanned Aerial System (UAS) Operations

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

506.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Operations Planning and Deconfliction

507.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

507.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by investigators on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

507.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

507.3 OPERATIONS DIRECTOR

The Chief of Investigators will designate a member of this bureau to be the operations director. In most cases this will be the SAU Commander or their designee.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

507.4 RISK ASSESSMENT

507.4.1 RISK ASSESSMENT FORM PREPARATION

Investigators assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the investigator should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the investigator should also submit information to these resources.

The investigator should gather available information that includes, but is not limited to:

Operations Planning and Deconfliction

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to investigators and others (e.g., making an off-site arrest or detention of the subject of investigation).

507.4.2 RISK ASSESSMENT REVIEW

Investigators will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

507.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. (SAU)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation

Operations Planning and Deconfliction

7. Additional surveillance
 8. Canines
 9. Forensic Technician or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate bureau members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

507.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The investigator who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The investigator should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

507.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other

Operations Planning and Deconfliction

- hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed investigators should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

507.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

Operations Planning and Deconfliction

- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The supervisor or assigned investigator shall ensure that all participants are visually identifiable as law enforcement officers.
 - (a) Exceptions may be made for investigators who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - (a) It is the responsibility of the case investigator ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to investigators arriving at the location.

507.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Investigators. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

507.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SAU debriefing.

507.10 TRAINING

The Training Manager should ensure investigators who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 6 - Equipment

Department Owned and Personal Property

600.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

600.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

600.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made in the form of a memorandum to the employee's immediate supervisor. The memorandum should include a detailed explanation of how the damage or loss occurred.

The employees immediate supervisor shall direct a memo to the Chief of Investigators, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Investigators who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

600.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

600.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Investigators and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

600.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the County, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Bureau Commander.

Personal Communication Devices

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

601.1.1 BOARD OF SUPERVISORS POLICY

This policy should be used in conjunction with Board of Supervisors Policy A-50: Electronic Media and Use Policy.

601.2 POLICY

The Riverside County District Attorney - Bureau of Investigation allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

601.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

601.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes.

Personal Communication Devices

Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

601.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Investigators or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

601.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Investigators.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Investigators or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to

Personal Communication Devices

the Riverside County District Attorney - Bureau of Investigation and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

601.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Investigators or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Personal Communication Devices

601.6.1 DEPARTMENT EMAIL

A PCD can be configured to accept Office email. In order to protect the confidentiality of office data including emails or file attachments, if a PCD is configured to accept Office email:

- (a) The device must be maintained in a locked state and passcode protected when not in use.
- (b) In the event a PCD is lost, TSB may implement a remote wipe command. This will erase the entire content of stored data on the PCD including email and any other data stored on the device (including any personal non-department related data such as pictures, text messages, contacts, etc.).

It is anticipated that each employee issued an Office PCD will tailor the contents (databases, applications, contacts, etc) to their specific needs. However, all department issued PCDs will be configured to accept department email, text messaging and any other software, database, application or function deemed appropriate by the Bureau.

The Bureau is aware that there are many forms of software, databases and applications that can be downloaded from the Internet or loaded onto the PCD through other means. Prior to downloading any application, personnel shall get approval from their supervisor. When downloading data or applications, personnel shall get prior approval from their supervisor if there is any cost associated (one-time or recurring cost). All non-approved downloads will be the responsibility of the employee to pay by way of a reimbursement check to the District Attorney's Office.

Any data, program or application downloaded should augment or improve the ability of the employee to provide services to the Bureau of Investigation, the District Attorney's Office and/or the County of Riverside.

Although it is not recommended, employees may have department email configured to their individually-owned PCD. However, in doing so, the employee agrees to conditions a. and b. above. In the event an individually-owned PCD is lost, TSB may implement the wipe command which would erase all information on the individually-owned PCD, which may include any and all personal data such as pictures, text messages, contacts, etc. Employees must sign the "Cellular Telephone Acknowledgement" prior to configuring their individually-owned PCD to accept Office email. (Cellular Telephone Acknowledgement Form - see attachments)

601.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

Personal Communication Devices

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Investigators or the authorized designee.

601.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Investigators operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

601.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

602.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

602.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair along with the County vehicle.

602.2.1 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

602.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

602.2.3 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

602.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all bureau vehicles for emergency purposes and to perform routine duties.

602.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, employees driving County vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall be refueled at the authorized County locations, unless exigent circumstances require the vehicle to be refueled at a non-County facility.

602.5 WASHING OF VEHICLES

All County vehicles shall be kept clean at all times and weather conditions permitting, can be washed no more than three times per calendar month as necessary to enhance their appearance.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Vehicle Maintenance

Employees using a County vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

Vehicle Use

603.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure bureau vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of bureau vehicles and shall not be construed to create or imply any contractual obligation by the County of Riverside to provide assigned take-home vehicles.

603.2 POLICY

The Riverside County District Attorney - Bureau of Investigation provides vehicles for bureau-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Bureau, requirements for tactical deployments and other considerations.

603.2.1 ASSIGNED VEHICLES

- (a) It is the department's intention to comply both in spirit and procedure with the regulations in county ordinance #440 and to the County of Riverside Vehicle Information Book rules and regulations. Home garaging of county vehicles is expressly prohibited unless by permission of the county administrative officer, vehicle fleet superintendent and the department head. Certain exemptions are made for law enforcement agencies, including the Bureau of Investigation.
- (b) Each employee assigned or authorized to use a department vehicle shall become familiar with this policy within 24 hours of issuance and acknowledge their understanding by date and signature on a memorandum of acknowledgment. Each memorandum shall be returned and kept in the employee's personnel file.
- (c) Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.
- (d) All personnel must comply with the provisions of the vehicle code and rules of the road and drive with due regard and caution for the safety of all persons using the highway.
- (e) Employees shall comply with existing radio procedures while operating county vehicles.
 - 1. Any member operating a vehicle equipped with a two-way communications radio, [MDT/MDC] and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.
- (f) All personnel shall wear seat belts at all times when riding in or driving a department vehicle and obey all other rules of the road.
- (g) County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Vehicle Use

603.2.2 UNSCHEDULED USE OF VEHICLES

Department vehicles are not to be driven on days off, vacation days, or holidays, etc., except when on official business and with approval of supervision. Short duration business trips are not an excuse for continued use of a department vehicle during a normal day off or after hours on normal workdays.

603.2.3 ASSIGNMENT OF VEHICLES

The assignment of vehicles is at the discretion of the Chief of Investigators and/or an Assistant Chief of Investigators. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

603.3 USE OF VEHICLES

603.3.1 AUTHORIZED PASSENGERS

Members operating County-owned vehicles shall not permit persons other than County members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

603.3.2 PARKING

Except when responding to an emergency or other urgent official business requires otherwise, members driving County-owned vehicles should obey all parking regulations at all times.

County-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a County-owned vehicle or in any other areas of the parking lot that are not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

603.3.3 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting investigator shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

603.3.4 PRIVACY

All County-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

603.3.5 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

Vehicle Use

603.3.6 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

603.4 ASSIGNED VEHICLE AGREEMENT

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her supervisor and shall agree to the following:

- (a) The member must live within Riverside County with exceptions for SAU members and other designated specialty units. Those members living out of county may take their vehicle home with the approval of their supervisor or manager.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) County-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.
- (i) All department identification, portable radios and equipment should be secured.

The assignment of vehicles is at the discretion of the Chief of Investigators. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

603.4.1 KEYS

All employees approved to operate a County vehicle shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

603.4.2 HOME GARAGING

Home garaging of department vehicles is prohibited unless by permission of the Chief of Investigators, Assistant Chief, or Commander. Permission shall be obtained in advance unless there are emergency or exigent circumstances. In that case, notification shall be made as soon as is reasonably possible. Home garaging may be authorized for special assignments, extended

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Vehicle Use

tour investigations, business and training trips, on call assignments, or in outlying offices with the absence of secured parking.

- (a) The employee must complete the Bureau's form "Overnight Vehicle Retention Request", and check the appropriate circumstance or other written justification which should include the cost savings benefit.
 - 1. A separate request must be made for each individual use of the vehicle specific event, function, or limited purpose in this manner unless the approval is granted for example over multiple days.
 - 2. The request must be submitted for approval prior to the use of any department vehicle for overnight retention, and must be approved by a Commander, Assistant Chief, or Chief of Investigators. Supervising Investigative Technicians can approve use for subordinate Investigative Technicians. Supervising Forensic Technicians can approve use for subordinate Forensic Technicians. The completed form will be forwarded to the Chief of Investigators for review and retention.

603.4.3 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Investigators or the authorized designee.

603.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Riverside County District Attorney - Bureau of Investigation, an investigator should not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Investigators driving marked vehicles shall be armed at all times.

Investigators may render public assistance, e.g. to a stranded motorist, when deemed prudent.

603.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum

Vehicle Use

format and forwarded to the unit supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

603.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances.
- (c) Members shall not use the department toll road account/transponder/sticker for personal use, such as traditional commuting to and from home.

603.8 MILEAGE LOGS

The Board of Supervisors has required that the District Attorney's Office maintain detailed mileage logs for each county vehicle operated by non-sworn personnel. Refer to Bureau Memorandum dated March 29, 2012 for detailed procedural information. Refer to Board of Supervisors Policy D-2 for further clarification.

Military Equipment

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

604.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Bureau.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

604.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that members of this bureau comply with the provisions of Government Code § 7071 with respect to military equipment.

604.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Investigators should designate a member of this bureau to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying bureau equipment that qualifies as military equipment in the current possession of the Bureau, or the equipment the Bureau intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Riverside County District Attorney - Bureau of Investigation (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the bureau's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Investigators and ensuring that the report is made available on the bureau website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Bureau will respond in a timely manner.

604.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Bureau:

[See attachment: AB481 Military Equipment List 01-13-2022.pdf](#)

604.5 APPROVAL

The Chief of Investigators or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Investigators or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the bureau website at least 30 days prior to any public hearing concerning the military equipment at issue (Government

Military Equipment

Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this bureau.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

604.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

604.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Investigators or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Investigators or the authorized designee should also make each annual military equipment report publicly available on the bureau website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in bureau inventory.

604.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Bureau shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Bureau should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Chapter 7 - Support Services

Crime Analysis

700.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Bureau's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

700.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

700.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

700.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

Dispatch Center

701.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

701.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to provide two-way radio capability providing continuous communication between the Dispatch Center and department members in the field.

701.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, command staff and department members with a specific business-related purpose.

701.3.1 LANGUAGE

Employees shall maintain a professional approach to radio communication. Radio transmissions should be calm, brief, and clear, with good judgment in content.

701.3.2 BASE STATION DESIGNATION

The Dispatch Center, located in the Riverside Bureau of Investigations office, is the central location for all Riverside County District Attorneys radio communication. The Dispatch Center also handles all communication for the Riverside Probation Department.

701.3.3 BASE STATION IN-SERVICE/OUT-OF-SERVICE

- (a) Upon opening the dispatch center, or at the beginning of each business day, the dispatcher will announce, "Station 19 is 10-8 at (time of day) hours."
- (b) Upon closing the dispatch center, or at the end of each business day, the dispatcher will announce, "Station 19 is 10-7 at (time of day) hours."

701.3.4 FIELD UNIT COMMUNICATIONS

Dispatch Center

- (a) Field units are encouraged to maintain radio contact with Dispatch by advising them of their work locations and status, unless the information would jeopardize an investigation.
- (b) Investigators serving search or arrest warrants or conducting surveillances shall notify dispatch of their location and the type of operation they are conducting. Investigators conducting a probation/parole search shall notify dispatch of their location.
- (c) When a field unit is conducting a field investigation and no assistance is anticipated, such as a business contact, the field unit is highly encouraged to broadcast their location or status.
- (d) If an operation plan is required, dispatch shall be provided a copy prior to the operation.

701.3.5 RADIO CODES

All employees shall know and use the ten codes, alpha codes, and other codes specified in the Riverside County Law Enforcement Agencies Code Signals for Law Enforcement Mobile Units as the primary radio language. Copies of these codes are clearly posted and available to all employees.

701.3.6 EMERGENCY TRIGGER ACTIVATION

- (a) Emergency trigger activation occurs when the emergency button is activated from a mobile radio, hand-held radio, or from a dispatch console. All activations shall be treated in the same manner as an "emergency" or "officer needs assistance" call.
- (b) The radio designator number of the radio being used for the emergency activation will display for only a matter of seconds on the dispatch console. The red "emergency" light on the console will remain illuminated. If dispatcher personnel are unable to confirm the radio designator number, that designator number remains activated in the Riverside County Sheriff's dispatch center. The sheriff's dispatch center can be contacted for the designator number. They will also contact our dispatch center for confirmation that we have monitored the emergency activation.
- (c) Immediately review the radio console screen to identify the radio that activated the emergency.
- (d) Convert the radio number through the computer aided dispatch (CAD) software to ascertain the unit designator assigned to the radio, provided the unit has been logged on successfully.
- (e) Immediately verify with the appropriate employee/field unit whether they require emergency assistance or whether the emergency activation was unintentional. If unable to reach the employee via radio, dispatch personnel will attempt to contact the employee via cellular phone.
- (f) Coordinate the appropriate assistance from local law enforcement as required.
- (g) Notify a supervisor in the event of an actual emergency.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Dispatch Center

- (h) To clear the emergency indicator light on the dispatch console, contact the Riverside County Sheriff's Dispatch Center via CAD mail to clear the emergency trigger activation.

701.3.7 EMERGENCY TRAFFIC

- (a) Life-threatening or emergency situations may require limiting radio traffic to emergency traffic only. Field units, supervisors, and dispatchers may request the radio be "cleared" for "10-33" (emergency) traffic.
- (b) The dispatcher personnel may then "clear" the radio by broadcasting, "All units 10-33 clear the air." Dispatcher personnel will then stand by for further instructions or communicate with the field units requesting emergency traffic.
- (c) Immediately notify a supervisor to report to the dispatch center for assistance.
- (d) At the conclusion of the emergency traffic situation, the dispatch personnel shall broadcast, "All units 10-34 (resume normal traffic), station 19 clear."

701.3.8 CALLS FOR HELP OR ASSISTANCE

Personnel may request the assistance of another agency, i.e. law enforcement, medical assistance, etc.

- (a) If a call for help is received over the radio, immediately notify the appropriate law enforcement agency and/or medical aid agency as needed.
- (b) If the location or identity of the employee is unclear, clear the air "10-33" (emergency traffic) and ask the caller to repeat the message. If there is no response, ask the other field units if they heard the unidentified unit, the location, or any other information.
- (c) Immediately notify a supervisor.
- (d) Begin to "poll" the units in the field to account for their location and status in an attempt to identify the employee requiring assistance.
- (e) Coordinate a law enforcement response to the last known location of the employee who called for assistance.

701.3.9 SURVEILLANCES/SPECIAL ACTIVITIES

Employees engaged in an activity, such as a surveillance, that requires prolonged radio transmissions may need to transfer radio communications to a secondary radio channel. The employee shall contact dispatch personnel to request an alternate channel, or any other channel as determined by dispatch personnel.

Dispatch Center

701.4 TRANSPORTS

Employees shall follow the following regulations when transporting victims, witnesses, and prisoners.

701.4.1 VICTIM/WITNESS TRANSPORTS

- (a) Investigative staff shall notify the dispatcher by radio in all cases when transporting victim/witnesses. When transporting persons, the employee shall advise the location of the transportation, the intended destination, and the starting mileage. The dispatcher shall document this information on the CAD log and provide the starting time to the employee.
- (b) The employee will advise when they have arrived at their destination and give their ending mileage. The dispatcher shall document this information on the CAD log and provide the ending time to the employee.

701.4.2 PRISONER TRANSPORTS

- (a) A minimum of three sworn investigators/peace officers shall be utilized to transport a prisoner. Investigative technicians or other employees may not be substituted for sworn investigators.
- (b) Investigative staff shall notify the dispatcher by radio in all cases when transporting prisoners. When arrests are made in the field, the investigative staff will advise dispatch when subject is taken into custody. When transporting the prisoner, the investigative staff will advise the location of the transportation, the intended destination, and the starting mileage. The dispatcher shall document this information on the CAD log and provide the starting time to the employee.
- (c) The investigative staff will advise when they have arrived at their destination and give their ending mileage. The dispatcher shall document this information on the CAD log and provide the ending time to the employee.

701.5 DISPATCHER ADDITIONAL DUTIES/RESPONSIBILITIES

Bureau of Bureau of Investigations dispatchers will be responsible for the following outline of additional duties and responsibilities while assigned to the Dispatch Center.

701.5.1 SECURITY CAMERAS & ALARMS

- (a) Monitor security cameras and alarms throughout the Downtown Law Building.
- (b) Notify the Officer of the Day of any and all alarms set off throughout the Downtown Law Building.
- (c) Acknowledge and clear alarms once they are verified.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Dispatch Center

701.5.2 CLETS/RMS

Log, send, and receive all CLETS/RMS transmissions and requests for all bureau personnel in the field.

701.5.3 RECORDS MAINTENANCE

Maintain updated records, phone lists, and resource materials such as the following:

- (a) Home addresses and phone numbers of all district attorney personnel.
- (b) List of on-call personnel, a calendar of dispatch relief personnel, and the officers of the day.
- (c) List of all county, state, and national law enforcement agency phone numbers and addresses.
- (d) Riverside County Emergency Operation Center/District Attorney Emergency Response Team Roster.

701.6 EMPLOYEE CONDUCT

Employees shall exercise and display integrity, loyalty, professionalism, and leadership to achieve and maintain superior service in the Dispatch Center. Employees shall not loiter in the dispatch center.

Dispatch personnel shall remain at their post at all times until properly relieved. If necessary, personnel may temporarily leave the dispatch room while using hand-held radios to maintain field communication.

701.7 FACILITY

- (a) Work place appearance
 1. Employees shall be responsible for leaving the dispatch center in a neat, clean, and orderly condition with all papers, books, and equipment properly stored.
- (b) Dispatch Security
 1. All personnel are responsible for the security of the dispatch facility and for the safekeeping and integrity of equipment and materials maintained within the facility.
 2. The dispatch center shall remain locked and secured after normal business hours or when not in use.

Dispatch Center

701.8 RESPONSIBILITIES

701.8.1 DISPATCHERS

Dispatchers report to the Supervising Investigative Technician. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - (a) Business telephone lines.
 - (b) Radio communications with department members in the field.
 - (c) Other electronic sources of information (e.g., text messages).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Dispatch Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

701.9 RADIO COMMUNICATIONS

The bureau radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Supervising Investigative Technician shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Dispatch Center

701.9.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Riverside County District Attorney - Bureau of Investigation radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

701.10 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

701.11 CONFIDENTIALITY

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal bureau files or medical information, shall only be made available to authorized law enforcement personnel.

701.12 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Property and Evidence

702.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

702.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Bureau for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

702.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. Property shall be booked into the property/evidence lockers within 48 hours of investigative personnel taking possession. The investigative personnel will need supervisor approval if the property is booked in later than 48 hours after seizure.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

702.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Property and Evidence

- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d)
- (e) The original property form shall be submitted with the case report.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

702.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

702.3.3 EXPLOSIVES

Investigators who encounter a suspected explosive device shall promptly notify their immediate supervisor or Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the bureau facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Forensic Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

702.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Forensic Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Forensic Technician, or placed in the bicycle storage area until a Forensic Technician can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking investigator and the supervisor. All cash exceeding \$20 should be taken to the accounting Department and turned over within 24-48 hours.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Property and Evidence

702.3.5 COURT EVIDENCE

Arrangements have been made with the Superior Court Property/Evidence Custodian to contact outside agencies' property units to pick-up their evidence once trial cases are completed.

- (a) The courts will not store weapons, drugs or dried bloodied clothing overnight.
- (b) The forensic unit is called to collect those items from the courtrooms for overnight storage.
 - 1. The evidence is returned to the courtrooms the following day for the court proceedings.
 - 2. Make arrangements ahead of time to have law enforcement officers drop off court evidence at the District Attorney's Office. The drop-off has to be cleared by the property custodian and an appointment needs to be made. Absolutely no walk-ins.
- (c) There are certain cases handled by The District Attorney's Writs and Appeals Unit that require long term storage by the Forensic Unit.
 - 1. On those particular cases, the Superior Court Exhibits Clerk will notify this office and the property custodian will take custody of that evidence for long term storage.

702.3.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Bureau has complied with the requirements of Penal Code § 33850 et seq. All firearms must be accompanied by a certified DOJ form prior to being released back to the rightful owner.

The Forensic Technician shall ensure the Law Office Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

Property and Evidence

702.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded and booked separately from ammunition). Attach a photo of the firearm to the outside of the package to eliminate the need for the Forensic Tech to do so if requested by the court.
- (c) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

702.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size.

- (a) Knife boxes should be used to package knives
- (b) Syringe tubes should be used to package syringes and needles.
- (c) Firearms shall be unloaded and made safe.
 - 1. Flex cuffs shall be used as a locking device through the cylinder or action to disable the weapon.
 - 2. The firearm shall be placed in a rifle box or gun box and secured with flex ties.
 - 3. The weapon's clip or ammo can be placed in a bag and placed within the box.
 - 4. A notation on the outside of the packaging should be made indicating "hazard" on items containing dried blood, sharps or any type of body fluids

A property tag shall be securely attached to the outside of all items or group of items packaged together.

702.4.2 PACKAGING NARCOTICS

The investigator seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking investigator shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

Property and Evidence

702.5 RECORDING OF PROPERTY

The Forensic Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Riverside County District Attorney - Bureau of Investigation shall be noted in the property database.

702.6 PROPERTY CONTROL

Each time the Forensic Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Investigators desiring property for court shall contact the Forensic Technician at least one day prior to the court day.

702.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the property report form shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a deputy district attorney, supervisor or investigator.

A CMS service request for analysis for all items shall be completed and submitted to the Forensic Technician. This request may be submitted any time after booking of the property or evidence.

702.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property report form and the request for laboratory analysis form shall be completed by the requesting party. Department of justice requests that you use form BFS 1 form (Physical Evidence Submission Form) for all DNA, Blood and Trace evidence. For drugs, the form BFS 2, is a stamped envelope.

The Forensic Technician releasing the evidence must complete the required information on the report form card and the evidence database. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, Bureau staff will record the delivery time and sign the chain of custody portion on the DOJ forms. DOJ's property room staff will sign upon receiving evidence. DOJ staff will make a copy of their form for your records. The original copy of the lab form will remain with the evidence and the copy should be filed with your case records.

702.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to investigators for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

Property and Evidence

The Forensic Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control form, indicating date, time, and the person who returned the property.

702.6.4 AUTHORITY TO RELEASE PROPERTY

The Bureau of Investigations shall authorize the disposition or release of all evidence and property coming into the care and custody of the Bureau.

702.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Forensic Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Forensic Technician. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Forensic Technician Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

Property and Evidence

The Bureau is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

702.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Bureau, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Bureau may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

702.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Bureau of Investigations will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this bureau, including paraphernalia as described in Health and Safety Code § 11364.

702.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Forensic Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

702.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Bureau shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Bureau to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be

Property and Evidence

sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

702.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Riverside County District Attorney - Bureau of Investigation determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

702.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Bureau shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

702.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Forensic Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

702.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)

Property and Evidence

- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680(e))

702.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Bureau shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this bureau to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

702.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Forensic Technician Supervisor shall ensure that no biological evidence held by the Bureau is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Bureau of Investigations Section supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Forensic Technician Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Bureau within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be

Property and Evidence

retained in the appropriate file and a copy forwarded to the Bureau of Investigations Section supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Investigators and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Bureau of Investigations Section supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

702.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Investigators.
- (c) An annual audit of evidence held by the Bureau shall be conducted by a Bureau Commander (as appointed by the Chief of Investigators) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
- (e) The "eyewash stations" should be tested monthly to ensure they are functioning properly.

702.9 TRAINING FOR EVIDENCE/PROPERTY PERSONNEL

All full time Evidence/Forensics personnel should attend the POST certified Evidence/Property Class offered annually throughout the state.

Records Section

703.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Riverside County District Attorney - Bureau of Investigation Records Section. The policy addresses bureau file access and internal requests for case reports.

703.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to maintain bureau records securely, professionally, and efficiently.

703.3 RESPONSIBILITIES

703.3.1 SENIOR LEGAL SUPPORT ASSISTANT

The Chief of Investigators shall appoint and delegate certain responsibilities to a Senior Legal Support Assistant who shall be directly responsible to the Administration Bureau Commander or the authorized designee. The Senior LSA will be responsible for the following

- (a) Overseeing the efficient and effective operation of the Records/Clerical section.
- (b) Supervising, training, and evaluating Records Section staff.
- (c) Maintaining and updating a Records Section procedure manual.
- (d) Ensuring compliance with established policies and procedures.
- (e) Supervising the access, use, and release of protected information.
- (f) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
 1. Homicides.
 2. Cases involving bureau members or public officials.
 3. Any case where restricted access is prudent.

703.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Bureau with access to case reports when needed for investigation or court proceedings.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Records Section

- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 - 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 - 2. Suspected hate crimes (Penal Code § 13023).
 - 3. Complaints of racial bias against investigators (Penal Code § 13012; Penal Code § 13020).
 - 4. Civilian complaints made against investigators (Penal Code § 832.5; Penal Code § 13012).
 - 5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Bureau and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

703.3.3 PROCEDURE MANUAL

The Law Office Supervisor should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.

703.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by investigators of the Riverside County District Attorney - Bureau of Investigation and no accusatory pleading has been filed, the person arrested

Records Section

may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Writs and Appeals Unit. The Writs and Appeals Unit should contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Writs and Appeals Unit should forward the petition to the Administrative Commander for review. After such review and consultation with the Writs and Appeals Unit, the Administrative Commander and the Law Office Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Law Office Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Law Office Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

703.5 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a bureau case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Administrative Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Investigators as sensitive or otherwise requiring extraordinary access restrictions.

703.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting bureau member shall first obtain authorization from the Law Office Supervisor. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

Records Section

703.7 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Records Maintenance and Release

704.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Bureau of Investigations records. Protected information is separately covered in the Protected Information Policy.

704.2 POLICY

The Riverside County District Attorney - Bureau of Investigation is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

704.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Investigators shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Bureau, including the retention, archiving, release, and destruction of bureau public records.
- (b) Maintaining and updating the bureau records retention schedule including:
 1. Identifying the minimum length of time the Bureau must keep records.
 2. Identifying the bureau section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of bureau public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).
- (g) Determining how the bureau's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all bureau current standards, policies, practices, operating procedures, and education and training materials are posted on the bureau website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Bureau website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Bureau's website.

Records Maintenance and Release

704.3.1 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

704.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Bureau member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

704.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of the Bureau, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Bureau is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain Bureau records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Bureau shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 - (a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).
 - (b) If the record requested is available on the Bureau website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Bureau. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

Records Maintenance and Release

- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Bureau-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

704.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any bureau record, including traffic collision reports, are restricted except as authorized by the Bureau, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 6254.29).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 - 2. The identity of any investigator subject to any criminal or administrative investigation shall not be released without the consent of the involved investigator, prior approval of the Chief of Investigators, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Records Maintenance and Release

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating investigators (Evidence Code § 1041; Government Code § 6254).
1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, County Counsel, or the courts pursuant to Penal Code § 1054.5.
- (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
- (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this bureau (Government Code § 6254).

Records Maintenance and Release

- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the bureau's electronic technology systems (Government Code § 6254.19).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

704.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact their supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Counsel or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Bureau so that a timely response can be prepared.

704.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Bureau name and to whom the record was released.

Each audio/video recording released should include the Bureau name and to whom the record was released.

704.8 SEALED RECORD ORDERS

Sealed record orders received by the Bureau shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Records Maintenance and Release

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Bureau shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

704.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Law Office Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

704.9 SECURITY BREACHES

The Law Office Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Bureau information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Bureau determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data
- Genetic data

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Records Maintenance and Release

704.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 - 1. The date of the notice.
 - 2. Name and contact information for the Riverside County District Attorney - Bureau of Investigation.
 - 3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 - 4. The estimated date or date range within which the security breach occurred.
 - 5. Whether the notification was delayed as a result of a law enforcement investigation.
 - 6. A general description of the security breach.
 - 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Riverside County District Attorney - Bureau of Investigation has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 - (a) Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Bureau in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 - (b) When the breach involves an email address that was furnished by the Bureau of Investigation, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

704.9.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
 - (a) Written notice.
 - (b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

Records Maintenance and Release

- (c) Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Bureau of Investigation does not have sufficient contact information. Substitute notice shall consist of all of the following:
 - (a) Email notice when the Bureau has an email address for the subject person.
 - (b) Conspicuous posting of the notice on the Bureau's webpage for a minimum of 30 days.
 - (d) Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Bureau of Investigation to notify more than 500 California residents, the Bureau shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

704.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an investigator, or depicts an incident in which the use of force by an investigator against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Investigators or the Public Integrity Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

704.10.1 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
- (b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Investigators in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Records Maintenance and Release

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

704.10.2 REDACTION

If the Custodian of Records, in consultation with the Chief of Investigators or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Bureau of Investigation should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

704.10.3 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Bureau may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Bureau determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Bureau may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

704.10.4 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Records Maintenance and Release

- (a) Disclosure may be delayed up to 45 days from the date the Bureau of Investigation knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Bureau demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

Protected Information

705.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Riverside County District Attorney - Bureau of Investigation. This policy addresses the protected information that is used in the day-to-day operation of the Bureau and not the public records information covered in the Records Maintenance and Release Policy.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Riverside County District Attorney - Bureau of Investigation and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

705.2 POLICY

Members of the Riverside County District Attorney - Bureau of Investigation will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

705.3 RESPONSIBILITIES

The Chief of Investigators shall select a member of the Bureau to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

Protected Information

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

705.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Riverside County District Attorney - Bureau of Investigation policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

705.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

705.4.2 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the investigator or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

705.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Law Office Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Bureau may generally be shared with authorized persons from other law

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Protected Information

enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

705.5.1 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of investigators, other bureau members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a bureau authorized computer or bureau-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

705.6 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

705.6.1 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

705.7 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Protected Information

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

Computers and Digital Evidence

706.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

706.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Investigators should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, investigators should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.

Computers and Digital Evidence

- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

706.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Investigators should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Every effort should be made to contact our computer Forensic Technicians prior to the service of the search warrant to ensure all proper equipment is readily available for the duplication of any external or internal computer hard drives.

706.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, compact disc's, or any other storage media is required, the examination shall be handled by a computer forensic examiner and/or the regional Computer Forensic Laboratory (RCFL). The following steps should be followed:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.
- (e) Prior to the examination of any computer seized for evidence the case agent must meet with the computer forensic examiner and conduct a Case Agent Investigative Review (CAIR) with the examiner.
 - 1. This will ensure that the information sought by the submitting officer can be obtained and the forensic analyst will be useful.
 - 2. This will also be useful in determining if a preview examination will be sufficient or a complete forensic examination is necessary.
- (f) If the computer is sent to the Regional Computer Forensic Laboratory (RCFL):
 - 1. The submitting officer must ensure the letter of recommendation accompanies the request and make an appointment with the assigned forensic examiner to conduct the CAIR review.
 - 2. The CAIR must be completed before examination of the computer can begin.

Computers and Digital Evidence

3. Any and all evidence related to the computer examination must be taken by the requesting investigator.
4. This evidence must be pick-up by the investigator or his designee. No reports will be given until the evidence is picked up by our agency.
5. All requests and information regarding the submission of the computer evidence must go through the liaison commander assigned.

706.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Forensic Technician to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

706.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

- (a) Investigators should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

Computers and Digital Evidence

706.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Investigators handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

706.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

706.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be brought to the Forensic Technician as soon as possible for submission into evidence.
- (b) Investigators are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- (d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- (e) Investigators requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

706.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

706.5.4 PRESERVATION OF DIGITAL EVIDENCE

Computers and Digital Evidence

- (a) Only evidence technicians or forensic examiners are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a working copy of the original media.
- (c) If any enhancement is done to the copy of the original photograph, it shall be noted in the corresponding incident report.
- (d) Requests for enhancement of audio, video, or image analysis shall be handled by technicians in the Audio Video Unit.

Chapter 8 - Custody

Custodial Searches

800.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Riverside County District Attorney - Bureau of Investigation facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

800.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

800.3 FIELD AND TRANSPORTATION SEARCHES

An investigator should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an investigator of the same sex as the person being searched. If an investigator of the same sex is not reasonably available, a witnessing investigator should be present during the search.

Custodial Searches

800.4 SEARCHES AT BUREAU FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Riverside County District Attorney - Bureau of Investigation facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

800.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Riverside County District Attorney - Bureau of Investigation identification number and information regarding how and when the property may be released.

800.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

800.5 STRIP SEARCHES

No individual in temporary custody at any Riverside County District Attorney - Bureau of Investigation facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Custodial Searches

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance shall not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

800.5.1 STRIP SEARCH PROCEDURES

Strip searches at Riverside County District Attorney - Bureau of Investigation facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex and role of any person present during the search.

Custodial Searches

7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Supervisor shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

800.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the supervisor authorization does not need to be in writing.

800.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the supervisor and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

Custodial Searches

- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The supervisor's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

Chapter 9 - Personnel

Recruitment and Selection

900.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Riverside County District Attorney - Bureau of Investigation and that are promulgated and maintained by the Department of Human Resources.

900.2 POLICY

In accordance with applicable federal, state, and local law, the Riverside County District Attorney - Bureau of Investigation provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, or any other protected class or status. The Bureau of Investigation does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Bureau will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

900.3 RECRUITMENT

The Administration Bureau Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Use of marketing strategies to target diverse applicant pools.
- (b) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive bureau website and the use of bureau-managed social networking sites, if resources permit.
- (c) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (d) Employee referral and recruitment incentive programs.
- (e) Consideration of shared or collaborative regional testing processes.

The Administration Bureau Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Bureau shall strive to facilitate and expedite the screening and testing process, and shall periodically inform each candidate of his/her status in the recruiting process.

Recruitment and Selection

900.4 SELECTION PROCESS

The Bureau shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Bureau should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

900.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Riverside County District Attorney - Bureau of Investigation (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Recruitment and Selection

900.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

900.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

900.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Bureau fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

900.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

900.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

900.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Investigators, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Riverside County District Attorney

Recruitment and Selection

- Bureau of Investigation, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

900.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

900.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Bureau and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

900.7.1 STANDARDS FOR INVESTIGATORS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident eligible for and has applied for citizenship

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Recruitment and Selection

- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (d) Fingerprinted for local, state, and national fingerprint check
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
- (f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
- (g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 - 1. Reading and writing ability assessment (11 CCR 1951)
 - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
- (i) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (j) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Bureau (Penal Code § 13510(d)).

900.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
- (b) An oral communication assessment (11 CCR 1958)
- (c) A medical evaluation (11 CCR 1960)

900.8 PROBATIONARY PERIODS

The Administration Bureau Commander should coordinate with the Riverside Department of Human Resources to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

901.1 PURPOSE AND SCOPE

The Bureau's employee performance evaluation system is designed to record work performance for both the Bureau and the employee, providing recognition for good work and developing a guide for improvement.

901.2 POLICY

The Riverside County District Attorney - Bureau of Investigation utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Bureau evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

901.3 SUPERVISORS

Supervisors are responsible for preparing and providing performance appraisal reports for their immediate employees on the dates specified by the Human Resource Department. The Chief of Investigators or designee may assign this task to another bureau supervisor. Supervisors shall follow the guidelines in the Bureau Appraisal Protocol when rating employees.

901.4 FULL TIME PROBATIONARY PERSONNEL

The probationary periods for sworn and non-sworn personnel are dictated by the employee's respective memorandum of understanding (MOU).

901.5 FULL-TIME PERMANENT STATUS PERSONNEL

An Employee Performance Appraisal shall be completed once each year by the employee's immediate supervisor on or immediately after the anniversary of the employee's date of hire, except for employees who have been promoted in which case an Employee Performance Appraisal shall be completed on the anniversary of the employee's date of last promotion.

A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard.

Any employee who receives a performance appraisal by a supervisor with an overall "Unacceptable" rating will be re-evaluated on a 60-day basis until their overall performance meets

Evaluation of Employees

job standards or until administrative action is taken. A Performance Improvement Program for the employee will accompany each "Unsatisfactory" appraisal.

901.6 EVALUATION REVIEW

The signed performance evaluation is forwarded to the rater's Commander. The Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Commander shall evaluate the supervisor on the quality of ratings given.

The Chief of Investigators shall be the final review of the evaluation.

After the evaluation has been reviewed by the appropriate management staff, the supervisor will sit and discuss the evaluation with the employee.

901.7 COMMENTS BY EMPLOYEES

- (a) An employee may submit written comments to their immediate supervisor on a separate form for attachment to their performance appraisal. The supervisor shall forward the comments and the performance appraisal through the appropriate chain of command. (Board of Supervisors Policy C-21)
- (b) Sworn investigators have 30 days within which to file a written response to any adverse comment entered in their personnel files. Such written response shall be attached to, and shall accompany, the adverse comment. (Government Code Section 3306)

901.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in Human Resources for the tenure of the employee's employment. A copy will be given to the employee.

Grievance Procedure

902.1 PURPOSE AND SCOPE

It is the policy of this bureau that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Bureau's philosophy is to promote a free verbal communication between employees and supervisors.

902.1.1 GRIEVANCE DEFINED

Except as outlined below, a "grievance" is a dispute - the solution of which is wholly or partially within the province of the County to rectify - that involves the interpretation or application of the MOU; or existing (a) Ordinances, (b) rules, (c) regulations, or (d) policies concerning wages, hours, and other terms and conditions of employment. Where a grievance affects more than one (1) employee, the union may file a grievance by identifying the affected employees, either by name or some other method that makes their identity clear. A grievance does NOT include:

- (a) Matters reviewable under some other County administrative procedure;
- (b) Matters for which the solutions of which would require the exercise of legislative power, such as the adoption or amendment of an Ordinance, rule, regulation, or policy established by the Board of Supervisors;
- (c) Matters involving the termination of a probationary, seasonal, or temporary employee;
- (d) Matters involving the appeal of a dismissal, demotion, reduction in compensation, suspension, or any other action taken for disciplinary reasons against a permanent employee, pursuant to the provisions of Article XII; and,
- (e) Matters involving a departmental performance evaluation (1) with respect to permanent employees, including those in a promotional probationary status, if the evaluation rating overall is satisfactory (or competent) or better or (2), with respect to employees in their initial probationary period.

902.2 PROCEDURE

If an employee believes that he or she has a grievance as defined above, then that employee shall observe the grievance procedure outlined in the Memorandum of Understanding for his or her bargaining unit

902.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

902.4 GRIEVANCE RECORDS

Grievance records shall be maintained in accordance with CountyHR protocol and each employees memorandum of understanding.

Reporting of Employee Convictions

903.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Bureau of any past and current criminal convictions.

903.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

903.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this bureau may be inherently in conflict with law enforcement duties and the public trust.

903.4 REPORTING PROCEDURE

All members of this bureau, and all retired investigators with an identification card issued by the Bureau, shall promptly notify their immediate supervisor (or the Chief of Investigators in the case of retired investigators) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members, and all retired investigators with an identification card issued by the Bureau, shall further promptly notify their immediate supervisor (or the Chief of Investigators in the case of

Reporting of Employee Convictions

retired investigators) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

903.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Bureau may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

Drug- and Alcohol-Free Workplace

904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace. Nothing in this policy is intended to conflict with any provision contained within the Riverside County Board of Supervisors Policy C-10. (41 USC § 8103).

904.2 POLICY

It is the policy of this bureau to provide a drug- and alcohol-free workplace for all members.

904.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on County property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on County property or at any other time.

904.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on bureau time can endanger the health and safety of bureau members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the member's immediate supervisor or an appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

904.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Bureau while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

904.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

Drug- and Alcohol-Free Workplace

904.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on bureau premises or on bureau time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisor(s) of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

904.4.1 SEARCHES

The county reserves the right to search, without employee consent, all areas and property in which the county maintains control or joint control with the employee, except the lockers of public safety officers, or other space for storage that may be assigned to public safety officers. No public safety officer shall have their locker, or other space for storage that may be assigned to them searched except in their presence, or with their consent, or unless a valid search warrant has been obtained, or where they have been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the county. The county may notify the appropriate law enforcement agency that an employee may have illegal drugs in their possession or in an area not jointly or fully controlled by the county.

904.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

904.6 WORK RESTRICTIONS

If a member informs a supervisor that the member has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from the member's physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that the member is safely transported away from the Bureau.

Drug- and Alcohol-Free Workplace

904.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Bureau while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

904.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

904.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

904.8 EMPLOYEE RESPONSIBILITIES AND AS A CONDITION OF EMPLOYMENT

An employee must:

- (a) Not report to work or be on a standby or an on call status while their ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- (b) Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol at any time while on county property or while on duty;

Drug- and Alcohol-Free Workplace

- (c) Not directly or through a third party manufacture, sell, distribute, dispense or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty;
- (d) Notify their supervisor, before beginning work, when taking any medications or drugs, prescription or non prescription, which may interfere with the safe and effective performance of duties or operation of county equipment;
- (e) Notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

904.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Bureau will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

904.10 CONFIDENTIALITY

The Bureau recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

905.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

905.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used as outlined in the applicable MOU or Resolution.

905.2.1 NOTIFICATION

Employees are required to notify the appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor (Labor Code § 246).

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave (Labor Code § 246).

905.3 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

Smoking and Tobacco Use

906.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Riverside County District Attorney - Bureau of Investigation facilities or vehicles. Nothing in this policy is intended to conflict with any provision contained within the Riverside County Board of Supervisors Policy A-23.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

906.2 POLICY

The Riverside County District Attorney - Bureau of Investigation recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

906.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Riverside County District Attorney - Bureau of Investigation.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

906.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

906.4.1 NOTICE

The Chief of Investigators or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

907.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Riverside County District Attorney - Bureau of Investigation. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

907.2 POLICY

The Riverside County District Attorney - Bureau of Investigation takes seriously all complaints regarding the service provided by the Bureau and the conduct of its members.

The Bureau will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this bureau to ensure that the community can report misconduct without concern for reprisal or retaliation.

907.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of bureau policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate bureau policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Bureau.

907.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Complaints

907.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any bureau member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

907.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

907.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the bureau facility and be accessible through the bureau website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

907.4.2 ACCEPTANCE

All complaints will be courteously accepted by any bureau member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Bureau (Penal Code § 832.7).

907.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Bureau shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

907.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Personnel Complaints

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

907.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

907.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Investigators or the authorized designee may direct that another supervisor investigate any complaint.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - (a) The original complaint form will be directed to the supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the supervisor and the Chief of Investigators are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Personnel Complaints

907.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Public Integrity Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Riverside County District Attorney - Bureau of Investigation or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the investigator in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Personnel Complaints

- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any investigator solely because the investigator has been placed on a prosecutor's *Brady* list or the name of the investigator may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the investigator has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

907.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve bureau members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an investigator were found to violate law or bureau policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

907.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

907.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

Personnel Complaints

907.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

907.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

907.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Bureau, the Chief of Investigators or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any bureau badge, identification, assigned weapons and any other bureau equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

907.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Investigators shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Investigators may request a criminal investigation by an outside law enforcement agency.

The Riverside County District Attorney - Bureau of Investigation may release information concerning the arrest or detention of any member, including an investigator, that has not led to a

Personnel Complaints

conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

907.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Investigators through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Investigators may accept or modify any classification or recommendation for disciplinary action.

907.10.1 ADMINISTRATIVE ASSISTANT CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Assistant Chief of the Administrative Division shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Assistant Chief of the Administrative Division may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Administrative Assistant District Attorney, the Assistant Chief of the Administrative Division may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Administrative Assistant District Attorney, the Assistant Chief of the Administrative Division shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

907.10.2 CHIEF OF INVESTIGATORS RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Investigators shall review the recommendation and all accompanying materials. The Chief of Investigators may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

Once the Chief of Investigators is satisfied that no further investigation or action is required by staff, the Chief of Investigators shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Investigators shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Investigators shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Investigators in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Investigators within five days of receiving the notice.

Personnel Complaints

1. Upon a showing of good cause by the member, the Chief of Investigators may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation may be recorded by the Bureau. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Investigators shall consider all information received in regard to the recommended discipline. The Chief of Investigators shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Investigators has issued a written decision, the discipline shall become effective.

907.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Investigators or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

907.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

907.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Investigators after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Investigators to consider.
- (d) In the event that the Chief of Investigators elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Investigators on the limited issues of information raised in any subsequent materials.

Personnel Complaints

907.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

907.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an investigator has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

907.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary investigator subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Investigators or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Investigators shall be final.

907.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

907.16 REQUIRED REPORTING TO POST

The Chief of Investigators or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain investigator personnel events, including but not limited to (Penal Code § 13510.9):

Personnel Complaints

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Bureau and submitted to POST as required by Penal Code § 13510.9.
- (b) Events that could affect an investigator's POST certification, such as:
 - 1. Complaints, charges, or allegations of misconduct
 - 2. Findings of civilian review boards
 - 3. Final dispositions of any investigations
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an investigator or the Riverside County District Attorney - Bureau of Investigation based on allegations of conduct by an investigator

The Chief of Investigators or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

Seat Belts

908.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

908.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

908.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

908.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any bureau vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

908.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Investigators.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Seat Belts

908.5 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

908.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

908.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

908.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

909.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

909.2 POLICY

It is the policy of the Riverside County District Attorney - Bureau of Investigation to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

909.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all investigators when the investigator begins service at the Riverside County District Attorney - Bureau of Investigation and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration Bureau Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

909.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Investigators shall only wear agency-approved body armor.
- (b) Investigators shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Investigators may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an investigator is working in uniform and may be used when taking part in Department range training.
- (e) An investigator may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

Body Armor

909.3.2 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

909.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates investigators about the safety benefits of wearing body armor.

Personnel Records

910.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

910.2 POLICY

It is the policy of this bureau to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

910.3 BUREAU PERSONNEL FILE

The bureau file shall be maintained as a record of a person's employment/appointment with this bureau. The bureau file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the bureau file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

Personnel Records

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
 - (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

910.4 SECTION (BLUE) FILE

Section files may be separately maintained internally by a member's supervisor, either in hard copy or electronic format, for the purpose of completing timely performance evaluations. The Section file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

910.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

910.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Public Integrity Unit in conjunction with the office of the Chief of Investigators. Access to these files may only be approved by the Chief of Investigators or the Public Integrity Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Personnel Records

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Bureau to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

910.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the District Attorney, County Counsel or other attorneys or representatives of the County in connection with official business.

910.7.1 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this bureau may be guilty of a misdemeanor (Penal Code § 146e).

The Bureau may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

910.7.2 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an investigator from this bureau for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

Personnel Records

910.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF INVESTIGATORS

Personnel records and records related to certain incidents, complaints, and investigations of investigators shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Investigators or the Public Integrity Unit supervisor, along with the District Attorney's Special Operations/In House Counsel Unit(s) in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an investigator in connection with an incident, whether the investigator's action was consistent with law and bureau policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an investigator.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an investigator.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an investigator failed to intervene against another investigator using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Bureau or oversight agency regarding:

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Personnel Records

1. An investigator engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an investigator relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another investigator, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An investigator engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An investigator made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the investigator resigns before the Bureau or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple investigators, the Bureau shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an investigator unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the investigator during an incident or the statements of an investigator shall be released if the statements are relevant to a finding of the qualified allegation against another investigator that is subject to release (Penal Code § 832.7(b)(5)).

910.9.1 REDACTION

The Custodian of Records, in consultation with the Chief of Investigators or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of investigators
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

Personnel Records

- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the investigator or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

910.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Investigators through the chain of command. The Bureau shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Bureau shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Bureau for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Bureau and the member that may be discovered in a judicial proceeding.

910.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

Personnel Records

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Investigators.
- (c) If, in the opinion of the Chief of Investigators, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Fitness for Duty

911.1 PURPOSE AND SCOPE

All investigators are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all investigators of this bureau remain fit for duty and able to perform their job functions (Government Code § 1031).

911.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform their respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

911.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the supervisor or employee's available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Investigators shall be promptly notified in the event that any employee is relieved from duty.

911.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave, comp-time, vacation time, or annual leave in order to

Fitness for Duty

obtain medical treatment or other reasonable rest period. The employee's respective MOU may provide further detail and retains precedence.

911.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Bureau Commander or unit supervisor and concurrence of the Chief of Investigators, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

The employee's respective MOU may provide further detail and retains precedence.

911.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Investigators may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Bureau with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Bureau will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

Fitness for Duty

examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

911.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

911.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Funerals

912.1 PURPOSE AND SCOPE

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

912.2 PROCEDURE

- (a) The Chief of Investigators or designated liaison personnel will be responsible for assisting the family of a deceased bureau employee at the time of the funeral.
- (b) If a Bureau employee was in active service at the time of his/her death, all investigators should attend the funeral services and the internment.
- (c) Employees detailed to attend the funeral of another department employee shall be considered on-duty while so engaged.
- (d) Official department vehicles shall be used to escort funerals of department employees upon authorization of the Chief of Investigators.
- (e) As in the tradition of funerals of peace officers killed on-duty, depending on the wishes of the surviving spouse or family, other police agencies are to be invited to attend the funeral of a deceased investigator. The Chief of Investigators shall assign an employee to coordinate honor guards and funeral escorts. The honor guard shall include investigators of this department. However, other agencies may also assign an honor guard if they so desire.
- (f) California Highway Patrol.
 - 1. If so desired by the family of the deceased, the California Highway Patrol shall present to the host agency, or family member designated by the host agency of any peace officer killed in the line of duty in California, a flag that was flown at half-staff over the State Capitol Building in memory of the officer and a memorial certificate.
 - 2. If California Highway Patrol involvement is desired, the local CHP commander will forward the necessary information to CHP headquarters and the CHP Academy. The CHP Academy will then coordinate with the State Capital and the CHP Commissioner's Office to ensure the flag presentation is arranged with the deceased officers agency.
 - 3. Should no CHP involvement be desired, arrangements will be made to deliver the flag and certificate to the officer's agency for disposition.
 - 4. Questions may be directed to the CHP Academy Special Projects Program at (916) 372-5620.

Lactation Break Policy

913.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

913.2 POLICY

It is the policy of this bureau to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

913.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt bureau operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

913.4 PRIVATE LOCATION

The Bureau will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Break Policy

913.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Records

914.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of bureau members who are eligible for the payment of wages.

914.2 POLICY

The Riverside County District Attorney - Bureau of Investigation maintains timely and accurate payroll records.

914.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

914.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the County payroll procedures.

914.5 RECORDS

The Administration Bureau Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

915.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off, as agreed and in effect through their Memorandum of Understanding (MOU). In order to qualify for either, the employee must complete and submit their bi-weekly time card as soon as practical after overtime is worked.

915.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the hours of compensatory time banked authorized by their MOU or Imposed Terms and Conditions.

915.2 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

915.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, half hour, or quarter hour, time worked shall be listed to the minute of time worked.

915.2.2 VARIATION IN TIME REPORTED

Where three or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other investigator, the Bureau Commander or other approving supervisor may require each employee to include the reason for the variation on a memorandum.

Outside Employment

916.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Investigators prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Investigators in accordance with the provisions of this policy.

916.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered. This also applies to membership in outside governing bodies, advisory boards, steering or planning committees, and similar bodies, related to or compatible with their County employment.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

916.2 OBTAINING APPROVAL

No member of this bureau may engage in any outside employment without first obtaining prior written approval of the Chief of Investigators. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Investigators for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

Any employee who fails to act upon notice of a conflict of interest, or who fails to file an Outside Employment Request may be subject to discipline.

Outside Employment

916.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Investigators within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU). Per Government Code 1126 the Bureau must provide notice to employees of the determination of prohibited activities, of disciplinary action to be taken against employees for engaging in prohibited activities, and for appeal by employees from such determination and from its application to an employee.

916.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Investigators may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

916.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the

Outside Employment

- regular course or hours of employment or as a part of the employee's duties as a member of this department
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
 - (d) Involves time demands that would render performance of the employee's duties for this department less efficient
 - (e) Involves the direct or indirect use of confidential County information.

916.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Investigators in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 1. The investigator(s) shall wear the departmental uniform/identification.
 2. The investigator(s) shall be subject to the rules and regulations of this department.
 3. No investigator may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 5. Outside security services shall not be subject to the collective bargaining process.
 6. No investigator may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Investigators.

Outside Employment

916.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

916.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover investigators or investigators assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the investigator's law enforcement status.

916.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

916.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

916.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of authorization, the employee shall promptly submit written notification of such termination to the Chief of Investigators through chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Investigators any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

Outside Employment

916.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Investigators whether such outside employment should continue.

In the event the Chief of Investigators determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Riverside County District Attorney - Bureau of Investigation, a request (in writing) may be made to the Chief of Investigators to restore the permit.

Political Activity

917.1 PURPOSE AND SCOPE

The department does not intend to restrict an employee's constitutional rights to work on their own time for political candidates and issues, or to seek public office. However, all political activity must remain completely separate from the department. No public time or resources shall be used for any such activity. No endorsements shall be given utilizing the name of the office or office affiliation without the prior approval of the Chief of Investigators and the district attorney. The employee shall be familiar with all laws relating to conflict of interest and Election Code violations, in particular those areas pertaining to public employees and peace officers.

917.2 PROCEDURE

- (a) The Chief of investigators shall be notified through the chain of command as soon as reasonably possible when an employee intends to engage in outside political activity or run for political office wherein potential conflicts of interests may occur. Questions of potential conflict should be discussed with the chief of investigators for the protection of the employee and the interests of the department.
- (b) This section shall not prevent an employee from engaging in approved activities when acting as a designated representative of the department in an official capacity such as working on law enforcement related legislation, testifying before the legislature or other government bodies on law enforcement issues and legislation, or engaging in department-approved professional law enforcement association's legislative programs.

917.3 EMPLOYEE RESPONSIBILITY

- (a) Employees shall not engage in improper political activity as described in state law. Applicable Government Code sections are:
 - 1. 3203 G.C. - No restriction shall be placed on the political activities of an employee of a local agency except as provided by state law.
 - 2. 3204 G.C - An employee shall not use their office, authority, or influence to obtain favor or compensation through a corrupt consideration or condition.
 - 3. 3205 G.C. - An employee shall not solicit political funds or contributions from fellow employees while in the workplace.
 - 4. 3206 G.C - An employee shall not participate in political activities while in uniform.
 - 5. 3207 G.C - The department may establish rules and regulations restricting an employee's political activities during working hours or on the work premises.

Political Activity

6. 3209 G.C - Nothing in the Government Code prevents an employee from soliciting or receiving political funds to promote a ballot measure affecting the employee's working conditions. The employer may limit this activity or access to governmental offices during work hours.

Also, refer to the Peace Officers Procedural Bill of Rights Act in the California Government Code, Chapter 9.7, sections 3300-3311 for further information.

Occupational Disease and Work-Related Injury Reporting

918.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

918.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

918.2 POLICY

The Riverside County District Attorney - Bureau of Investigation will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

918.3 RESPONSIBILITIES

918.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

918.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

Personal Appearance Standards

919.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

919.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Investigators has granted exception.

919.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Hairstyles shall reflect a professional appearance. Hair (including facial hair) must be clean, neat, and properly trimmed.

919.2.2 FACIAL HAIR

Any mustache or facial hair shall reflect a professional appearance and must be clean, neat, and properly trimmed.

919.2.3 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to investigators or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

919.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

919.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification.

Personal Appearance Standards

919.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Investigators should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Dress Code and Uniform Regulations

920.1 PURPOSE AND SCOPE

The uniform policy of the Riverside County District Attorney - Bureau of Investigation is established to ensure that uniformed investigators will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property: Section 600

Body Armor: Section 909

Personal Appearance Standards: Section 919

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Investigators or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Riverside County District Attorney - Bureau of Investigation will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

920.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Bureau employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Dress Code and Uniform Regulations

- (h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Investigators or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
 - 3. Medical alert bracelet

920.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Investigators working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

920.3 UNIFORM CLASSES

920.3.1 BATTLE DRESS UNIFORM (BDU)

The BDU is to be worn on special occasions such as search and arrest warrant service, enforcement actions, or as directed. The BDU is required for all sworn personnel. The BDU includes the following:

- (a) Black 5.11 Long Sleeve polo shirts or short sleeve polo shirts
 - 1. Silk screen patch on front
 - 2. Silk screen patches on sleeves
- (b) Tan "5.11 Rip Stop" BDU pants
- (c) Black "5.11" tactical mesh belt
- (d) Tan or black work boots
- (e) Flex Fit Hat (Optional)
 - 1. Black with "Riverside County District Attorney" gold embroidery

Dress Code and Uniform Regulations

- (f) Appropriate weapons, web gear, safety equipment, bulletproof vests and/or Jackets

920.3.2 SUMMER/HOT WEATHER ATTIRE

- (a) Employees may choose to wear hot weather/summer attire from June 1st through September 30th each year. Electing to do so, in accordance with the existing policy, is not mandatory but a choice for the employee. Command staff may authorize hot weather/summer attire outside of the above listed guidelines.
- (b) When assigned as the officer of the day, employees shall adhere to the professional dress code as described in section 2(a).
- (c) Dress standards shall be professional at all times to promote a positive image to the community. The general public forms its initial impression of the professional credibility of the office based partially on appearance. However, the daily comfort of our staff is important during the hot weather. Acceptable summer attire in the office may include:
 1. Business suit with open collar (no tie) to include dress shoes.
 2. Long or short sleeve shirts with an open collar worn with dress pants, dress belt, and dress shoes.
 3. The shirts must be squared off and not have "tails," if untucked.
 4. Employees may choose to tuck in the shirt. For investigators, firearms must be covered with a coat when in public.
 5. Shirts must be a solid color without logos or designs.
 6. Pants should be clean and pressed. Levis style jeans are not authorized, except for special events as allowed by the Command staff, for special operations or investigations.
 7. Employees must have a business suit and tie available at work in case the need to attend court or another function that requires normal business attire.
- (d) Standard dress shoes for both men and women; females may wear dress sandals with a manufactured back strap;
- (e) Unauthorized clothing or footwear ~ any and all Athletic style footwear, shorts, jumpsuits, tee-shirts with inappropriate graphics are not authorized by this office, unless authorized by Command staff for special operation or investigations. As always, clothing or jackets must be worn to cover any firearms while in public and during a court appearance.
- (f) Supervisors must pre-approve dress standards or special clothing required for a special assignment.

920.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Investigators may authorize special uniforms to be worn by investigators in specialized units and other specialized assignments.

Dress Code and Uniform Regulations

920.4 INSIGNIA AND PATCHES

- (a) **Shoulder Patches** - The authorized shoulder patch supplied by the Department shall be machine stitched or pressed on to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) When a jacket is worn, the sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (c) **Badge** - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (d) **Body Armor Carriers/Load Bearing Vests** - Authorized insignia for body armor carriers and load bearing vests shall include embroidered or silk screened shoulder patches, nameplates, and placards identifying the wearer as a law enforcement officer, including the use of the word "Police".

920.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An investigator of this department - From the time of death until midnight on the 14th day after the death.
- (b) An investigator from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Investigators.

920.5 PLAIN CLOTHES ATTIRE

Most assignments within the Department do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) Clothing standards shall remain formal, modest, and professional at all times: coat, dress shirt (long or short sleeve), tie, and business slacks or suits for men and appropriate business attire for women.
- (c) Clothing shall allow for wearing/carrying all the required safety equipment.
 - 1. Sworn investigators shall be armed with their duty firearm as well as their pepper spray and/or expandable baton as authorized while on-duty except as prohibited

Dress Code and Uniform Regulations

by law or departmental policy. For purposes of this section, "armed" shall mean carrying their duty firearm on their person.

- (a) Wearing coats and concealing firearms is required in court and in public settings, but is not required within office work areas.
- 2. Investigative technicians and Forensic Technicians shall carry pepper spray on their person while on-duty in the field.
- 3. Supervisors may require additional safety equipment or other items to be worn/ carried such as cellular phones, 800 MHz radios, handcuffs, etc. as assignments and circumstances dictate.
- (d) Clothing shall be neat, clean, and in good repair. Shoes should be clean or polished and in good repair.
- (e) The following items shall not be worn on duty:
 - (a) T-shirt alone
 - (b) Open toed sandals or thongs
 - (c) Swimsuit, tube tops, or halter-tops
 - (d) Spandex type pants or see-through clothing
 - (e) Distasteful printed slogans, buttons or pins
- (f) Variations from this order are allowed at the discretion of the Chief of Investigators or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (g) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Riverside County District Attorney - Bureau of Investigation or the morale of the employees.

920.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased solely at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 600).

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Dress Code and Uniform Regulations

920.6.1 RETIREE BADGES

The Chief of Investigators may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Riverside County District Attorney - Bureau of Investigation. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Investigator CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Riverside County District Attorney - Bureau of Investigation and will be revoked in the event of misuse or abuse (Penal Code § 538d).

920.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Riverside County District Attorney - Bureau of Investigation employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Investigators or designee.

Riverside County District Attorney - Bureau of Investigation employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Investigators or designee.

920.8 INAPPROPRIATE CLOTHING

If any clothing is deemed inappropriate, employees may be ordered home to comply with any violated provisions of this policy. Refer to the applicable employee's Memorandum of Understanding and current Board of Supervisors Casual Dress Policy for further terms, exceptions, or clarification of dress standards.

Nepotism and Conflicting Relationships

921.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

921.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

921.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940(a)):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
 - (c) Whenever possible, training investigators and other trainers will not be assigned to train relatives. Training investigators and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
 - (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
 - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

921.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Nepotism and Conflicting Relationships

921.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Investigators of such actual or potential violations through the chain of command.

Employee Personal Affiliations

922.1 PURPOSE AND SCOPE

Employees are encouraged to participate in legitimate local, state and federal law enforcement associations but are prohibited from associating with groups that are known to be involved in illegal activities or which would put the employee in a compromising position.

922.2 LEGITIMATE LAW ENFORCEMENT ASSOCIATIONS

Membership in legitimate local, state and federal law enforcement associations often contributes to professional and personal growth. Therefore, the department encourages membership in these groups but does not require membership for employment or promotional consideration.

Exception:

If the employee is assigned as a departmental representative to a group's meetings, conventions or conferences, the employee's expenses may be paid by the county. The mere act of volunteering to be a member or representative without a determination of departmental need being made by the chief of investigators is not sufficient justification for the payment of expenses by the department.

922.3 PROHIBITED ACTIVITY

- (a) Employees shall not affiliate or associate with any person, organization, or group, which may exact prior consideration from said employee and prevent them from functioning ethically, legally, properly and promptly for the department.
- (b) Whether on duty or off duty, no employee will associate or do business with any person or group who are either known organized crime figures or whose general reputation in the law enforcement or intelligence community is that which would give the appearance the employee may be placed in a compromising position.
 1. **Exception:** The employee is conducting a criminal or intelligence investigation. In that case, notification shall be made to an immediate supervisor as soon as practical.

Department Badges

923.1 PURPOSE AND SCOPE

The Riverside County District Attorney - Bureau of Investigation badge and uniform patch as well as the likeness of these items and the name of the Riverside County District Attorney - Bureau of Investigation are property of the Department and their use shall be restricted as set forth in this policy.

923.2 POLICY

The duty (dome) badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

923.2.1 FLAT BADGE

Sworn investigators, with the written approval of the Chief of Investigators may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An investigator may sell, exchange, or transfer the flat badge he/she purchased to another investigator within the Riverside County District Attorney - Bureau of Investigation with the written approval of the Chief of Investigators.
- (b) Should the flat badge become lost, damaged, or otherwise removed from the investigator's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- (c) An honorably retired investigator may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

923.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Investigative Technician, Forensic Technician, Dispatcher).

- (a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

Department Badges

923.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

923.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Investigators.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

923.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Investigators and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Riverside County District Attorney - Bureau of Investigation. The following modifications shall be included:
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Investigators.

Temporary Modified-Duty Assignments

924.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

924.2 POLICY

Subject to operational considerations, the Riverside County District Attorney - Bureau of Investigation may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

924.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Riverside County District Attorney - Bureau of Investigation shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Bureau. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Investigators or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

924.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commander or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Investigators regarding temporary modified-duty assignments that may be available based on the needs of the Bureau and the limitations of the employee. The Chief of Investigators or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Bureau Commander, with notice to the Chief of Investigators.

924.4.1 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider.
- (c) Supervisors shall keep their Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments extensions require approval of the Chief of Investigators.
- (d) When it is determined that an employee on modified duty can return to regular duty, the supervisor shall notify the Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

924.4.2 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Temporary Modified-Duty Assignments

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

924.5 PREGNANCY

It is the policy of the Department to reasonably accommodate female employees who are disabled due to pregnancy. In these situations, a reasonable accommodation could include a temporary reassignment to a less hazardous/strenuous job assignment.

924.5.1 EMPLOYEE NOTIFICATION

An employee who becomes disabled due to her pregnancy should notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her specific limitations, any requested job accommodations needed as a result of her pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

924.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy disability and a request for job accommodation, reassignment or leave, the supervisor shall notify their Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the County's Personnel Rules and Regulations regarding family and medical care leave.

924.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty and as provided for under the employee's respective memorandum of understanding.

924.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

Employee Speech, Expression and Social Networking

925.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Bureau. Bureau employees are responsible for content they publish, send to others, or make available to be viewed on user-generated social media. This policy defines the scope of proper social media usage and the responsibilities of employees publishing or communicating on any social media or social networking sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or investigator associations, about matters of public concern, such as misconduct or corruption. Rather, the purpose of this policy is to ensure employees are aware thier on-line behavior and communications are subject to thier existing professional obligations under their respective MOU and Rules of Professional Conduct.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

925.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

925.2 DEFINITIONS

For the purpose of this policy, the term social media is defined as external electronic communication through which users create or participate in on-line communities to share inforation, ideas, personal messages, and other content including but not limited to Facebook, Instagram, LinkedIn, Twitter, YouTube, blogs, and vlogs. All internal electronic communications are governed by section 205.

925.3 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this bureau. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this bureau be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Riverside County District Attorney -

Employee Speech, Expression and Social Networking

Bureau of Investigation will carefully balance the individual employee's rights against the Bureau's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

925.4 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Riverside County District Attorney - Bureau of Investigation employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an investigator who is working undercover.
- Disclosing the address of a fellow investigator.
- Otherwise disclosing where another investigator can be located off-duty.

925.5 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the bureau's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or investigator associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Riverside County District Attorney - Bureau of Investigation or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Riverside County District Attorney - Bureau of Investigation and tends to compromise or damage the mission, function, reputation or professionalism of the Riverside County District Attorney - Bureau of Investigation or its employees. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or

Employee Speech, Expression and Social Networking

expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Bureau. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Riverside County District Attorney - Bureau of Investigation.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Bureau for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Investigators or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of bureau logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Riverside County District Attorney - Bureau of Investigation on any personal or social networking or other website or web page, without the express authorization of the Chief of Investigators.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or bureau-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

925.5.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or investigator associations, employees may not represent the Riverside County District Attorney - Bureau of Investigation or identify themselves in any way that could be reasonably perceived as representing the Riverside County District Attorney - Bureau of Investigation in order to do any of the following, unless specifically authorized by the Chief of Investigators (Government Code § 3206; Government Code § 3302):

Employee Speech, Expression and Social Networking

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or investigator associations), is affiliated with this bureau, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Riverside County District Attorney - Bureau of Investigation.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or investigator associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

925.6 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any bureau technology system (see the Information Technology Use Policy for additional guidance).

The Bureau shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Bureau may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

925.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Investigators or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Bureau or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Bureau.

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Employee Speech, Expression and Social Networking

- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Bureau.

Anti-Retaliation

926.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

926.2 POLICY

The Riverside County District Attorney - Bureau of Investigation has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

926.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

Anti-Retaliation

926.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An investigator shall not be retaliated against for reporting a suspected violation of a law or regulation of another investigator to a supervisor or other person in the Bureau who has the authority to investigate the violation (Government Code § 7286(b)).

926.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Investigators or the County Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

926.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Investigators via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

Anti-Retaliation

- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

926.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Investigators should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

926.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Public Integrity Unit for investigation pursuant to the Personnel Complaints Policy.

Anti-Retaliation

926.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Bureau shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

926.8 RECORDS RETENTION AND RELEASE

The Law Office Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

926.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Attachments

1027 Temporary Modified-DUTY FORM_072617.pdf

701 Cellular Phone Acknowledgement.pdf

AB481 Military Equipment List 01-13-2022.pdf

The Riverside County District Attorney's Office Specialized Equipment Inventory

- **Unmanned, remotely piloted powered aerial or ground vehicles**
 - Search and locate reported missing children or at-risk adults
 - Search and rescue operations to locate lost or injured hikers
 - A law enforcement specific application involving Aerial drones are used for open terrain or large field searches as a force-multiplier to assist in high-risk apprehensions of armed or violent suspects. Aerial drones can be used as an interior search tool to locate suspects barricaded inside a residence or commercial structure. Larger drone platforms are deployed by the District Attorney's Office Unmanned Aerial Surveillance Team
 - Unmanned robotics have numerous applications and are used instead of personnel in high-risk environments to increase safety for law enforcement.

- **Assault weapons defined under PC 30510 & PC 30515**
 - Inventory includes AR/M-16 style rifles and MP5 submachine guns that function at full and semi-automatic capability.
 - Increased accuracy and precision at long range distances
 - Currently used by most law enforcement agencies across the nation

- **Flashbang grenades**
 - Light Sound Diversionary Device (LSDD-"Flashbangs") are used to minimize risk to all parties through the temporary distraction or disorientation of armed and violent suspects that pose significant danger to the investigators and community. The effects of the LSDD reduce a suspect's reactionary capabilities and allow for momentary disorientation which creates a tactical advantage. LSDD is a hand delivered device and generally deployed on the exterior of structures
 - Provides a humane fright to aggressive dogs that pose a threat to investigators.

- **Tear gas**
 - Chemical agents are deployed through the means of pepper ball and pepper ball launchers.
 - Less lethal option from longer distances making it safer for investigators and suspects.
 - Provides a humane option for aggressive dogs that pose a threat to investigators.

- **Command and control vehicles built or modified to facilitate the operational control and direction of public safety units**
 - Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lighting, generators, and mission essential supplies

- **40mm projectile launchers**
 - Less lethal 40mm launchers and rubber projectile munitions are configured for high and low energy impact. 40mm less lethal has been effective in disarming violent

suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public.

- **Bean bag launchers**

- Less lethal bean bags are utilized through a marked/orange colored easily identifiable less lethal shotgun. The bean bag round is a small lead pellet filled munition made of high-density cloth. The bean bag is the predecessor to 40mm less lethal having similar benefits as other less lethal platforms.

- **Rubber projectile launchers**

- 40mm launchers capable of deploying rubber projectile munitions. An effective less lethal tool used routinely with success.
- A less lethal option that can be used at longer distances making it safer for investigators and suspects.
- 40mm less lethal has been effective in disarming violent suspects, armed suspects, and subjects who are suicidal with minimal injury and risk to the person, law enforcement or the public.

- **Specialty Impact Munition Weapon**

- FN303 launchers capable of deploying plastic projectile munitions. An effective less lethal tool used routinely with success.
- A less lethal option that can be used at longer distances making it safer for investigators and suspects.

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**

1019 OUTSIDE EMPLOYMENT FORM.pdf

SB 439 Referral Final (002).pdf

SB 439 Referral

Please use this referral form to refer a child under the age 12 for services. A review of this form will be conducted by authorized agencies in order to provide youth with supports as defined in SB 439. With the exception of certain categories of offenses (murder, rape, sodomy oral copulation, or sexual penetration by force, violence or threat of great bodily harm) these minors will no longer be under the jurisdiction of the juvenile court nor will they be involved the juvenile justice system.

Law Enforcement will notify parents of minors under 12 years of age who come to the attention of law enforcement for behaviors or offenses as described in the existing law. Law enforcement will complete and upload this referral for youth who qualify for RCOE's secure electronic data platform.

Referral Date: _____

Referral Name and Agency: _____

Referral Phone Information: _____ Email: _____

Child Name: _____ Date of Birth: _____

Age: _____ Gender: _____

Residing with (name and relationship): _____

Address: _____

Contact Phone: _____ Alternate Phone: _____

School: _____ Grade: _____

Ethnicity:

- Caucasian
- African American
- Hispanic
- Asian
- Other*

Language other than English: _____

Reason For Referral: _____

311 Weapon_Mounted_Light.pdf

Hate Crime Checklist.pdf

BOS Policy.A-50.pdf

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	1 of 9

Purpose:

The purpose of this policy is to establish guidelines for proper use of all forms of electronic media. As used in this policy, "*electronic media*" includes, but is not necessarily limited to, the following: e-mail (electronic-mail), Internet use, voice-mail, video teleconferencing, fax, diskettes, storage media, bulletin boards, television, electronic subscription services, electronic documents, and any other forms of electronic communication. County employees with access to electronic media are required to abide by this policy.

Policy:

1. No Expectation of Personal Privacy for Use of County Systems

Employee use of any county electronic media system is not private; and employees using these systems should not expect their communications to be private. Employees should not have an expectation of personal privacy when using any form electronic media.

Employees should also be aware that any electronic media communication might be considered a public record subject to disclosure under California law.

2. Appropriate Use

County electronic media systems are made available to employees for the purpose of providing an effective method to communicate, increase productivity, perform research and obtain information that will assist in performing job related tasks.

Employees shall use good judgment at all times when using the Internet or other electronic media. Electronic media shall be used only to send courteous, professional and businesslike communications.

Certain electronic media (especially e-mail) may not be appropriate to transmit sensitive materials, which may be more appropriately communicated by written document or personal conversation.

Employees should always remember that persons other than the sender and the recipient might read electronic media communications at a later date.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	2 of 9

Accordingly, electronic media communications (such as e-mail messages) should always be treated as written memos, which may remain on file in various locations.

Electronic media shall not be used in any manner in violation of the law or county rules, policies or procedures. Electronic media shall in no manner be used for any improper, illegal, offensive or harassing purpose.

Activities prohibited by this policy include, but are not necessarily limited to the following:

- a. Transmittal of any material or communication in violation of any federal, state or local law, ordinance or regulation;
- b. Transmittal of any material or communication, which includes potentially offensive material (such as; sexual, racial or ethnic comments, jokes or slurs);
- c. Misrepresentation under any circumstance of an employee's true identity;
- d. Unauthorized access to any computer system;
- e. Any action intended to accomplish or assist in unauthorized access to computer systems;
- f. Unauthorized or improper downloading, accessing or transmittal of copyrighted information, documents or software;
- g. Transmittal of unauthorized broadcast communications or solicitations (such as; mass email transmittals). All broadcast or solicitation messages must be approved in advance by the Chief Information Officer, Riverside County Information Technology;
- h. Any action that causes the county to incur a fee for which there has not been prior approval;
- i. Use of security code or password other than as authorized; or
- j. Disclosing your username and password to anyone for any purpose.

3. Notice of County's Right and Ability to Store Communications

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	3 of 9

Employees are notified that electronic media communication may not be deleted from the system; and that the county may save such communications even though it appears they have been deleted. For example, e-mail users should be aware that when they have deleted a message from their mailbox it may not have been deleted from the e-mail system and that every e-mail message might be saved by the county.

All electronic media communications are considered at all times to be county records. The county has the capability to access, monitor, review, copy, or disclose any electronic media communications; and the county reserves the right to do so for any proper county purpose. The use of security measures (such as individual passwords) or deletion of electronic media communications (such as deletion of e-mail messages by users) does not affect the county's ability or right to access, review, copy, or disclose such communications under appropriate circumstances. Employees' use of electronic media is consent to such action by the county.

This policy shall not be interpreted to limit the county's access to electronic media communications under appropriate circumstances; and shall not in any way limit the county's control or ownership of its electronic media systems. However, this policy is in no way intended to permit unauthorized access to electronic media communications.

4. **Software**
Employees shall use software only in compliance with license agreements and copyright or other laws.
5. **E-Mail Retention**
Riverside County email systems are transitory-communications systems and are not intended as mechanisms for storing records.
 - A. **Email Retention Period**
 - i. Email messages must be retained in the departments' online email systems no longer than 45 days after they are created in or received into the email system.
 - ii. Each department must implement an email retention period through automatic electronic means. Each user's email messages must be

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	4 of 9

automatically saved in the department's online email systems during the email retention period.

- iii. Automatic archival of email messages is prohibited on Riverside County email systems. Each department must configure its email systems to prevent auto-archiving of email messages and each user must not activate the auto-archiving features.

B. Email Deletion Schedule

- i. Each user's email messages must be deleted from the department's online email systems after the email retention period has expired.
- ii. Each department must establish and implement the Email Deletion Schedule through automatic electronic means. Each user's email messages must be automatically deleted from the department's online email systems according to the following schedule:
 - a. All items in the "Trash" will be purged every 14 days.
 - b. All "In" and "Out" box items (whether read, opened or unopened) will be purged after the 45-day email retention period has expired.
 - c. Email "Trash", "In" and "Out" box items will be backed-up during routine server back-ups. Back-up tapes allow data recovery in the event of a systems crash but must be retained no longer than 30 days.

6. Public Records

- A. Notwithstanding Section 5.B. of this Policy titled Email Deletion Schedule, any information transmitted by email that meets the definition of "public record" under the California Public Records Act may not be deleted or otherwise disposed of except in accordance with the Public Records Act and in compliance with the Board of Supervisors Policy A-43 County Records Management and Archives Policy. General guidelines as to whether or not an email message contains information that constitutes a public record are provided in Attachment 1.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	5 of 9

B. Employees must be aware that an email message which constitutes a public record (whether or not it is exempt from disclosure) may be subject to the County's records retention schedules and/or statutory retention requirements. In that event, the email message may not be deleted without first being reduced to paper copy or stored in an electronic format in a location other than the department's email systems.

7. Litigation Hold Procedure

A. This email deletion policy and all supporting departmental policies and procedures are subject to litigation holds. A "litigation hold" is the process used to notify County departments about pending or reasonably anticipated litigation involving the County of Riverside and the department's potential obligation to preserve relevant email information by suspending email deletion policies involving any potentially relevant information transmitted by email.

B. The Office of Risk Management, or the Office of County Counsel, or the Human Resources Department are authorized to direct any County department to place a litigation hold whenever information transmitted by email is or may be relevant to pending or reasonably anticipated litigation involving the County of Riverside.

C. When any County department is directed by the Office of Risk Management, or the Office of County Counsel, or the Human Resources Department to institute a litigation hold, the department must promptly contact and coordinate with personnel from Riverside County Information Technology or internal information technology staff responsible for managing the department's email systems to implement the litigation hold.

D. Each department must establish and implement the litigation hold procedure with the following general guidelines:

- i.** Each department must designate "Litigation Hold / Public Records Act" personnel to serve as a liaison with outside legal counsel, the Office of County Counsel, the Office of Risk Management, the Human Resources Department, information technology personnel, and litigation hold personnel from other County departments.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	6 of 9

- ii. The departmental “Litigation Hold / Public Records Act” personnel are responsible for the following:
 - a. Helping legal counsel place a litigation hold on emails that are or may be relevant to pending or reasonably anticipated litigation involving the County of Riverside.
 - b. Providing sufficient information regarding the subject of the pending or reasonably anticipated litigation to allow departmental employees to conduct a reasonable search for potentially relevant email information.
 - c. Coordinating with informational technology personnel to place a litigation hold on potentially relevant email information.
 - d. Coordinating with litigation hold personnel from other County departments, if any, involved in the pending or reasonably anticipated litigation.

8. Auditing

- A.** Each department must conduct audits to ensure that email messages are retained during the email retention period; that email messages are actually purged from the department’s online email systems, and backed up, in compliance with the email deletion schedule; and that the litigation hold procedure is effectively implemented.
- B.** The first audit must be performed within two (2) years of establishing the individual department’s policies and procedures on email retention, deletion and litigation holds. Department heads may at their discretion conduct subsequent audits when appropriate.

9. Training and Education

Human Resources will be responsible for providing concurrent and ongoing training and education to all County employees regarding applicable policies and procedures for email communication, retention, deletion, litigation holds, and the California Public Records Act, including any applicable retention requirements.

Written Acknowledgment

Department heads shall have all employees acknowledge in writing that they have received and read this policy. Such written acknowledgment shall be retained in the

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	7 of 9

department's files. (Nevertheless, the failure to provide such written acknowledgement shall not in any way limit the county's ability to enforce this policy.) An Example form is attached.

Reference:

- Minute Order 3.8 of 10/22/1996
- Minute Order 3.36 of 06/29/1999
- Minute Order 3.7 of 11/07/2006
- Minute Order 3.65 of 06/02/09

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	8 of 9

ATTACHMENT 1

GENERAL GUIDELINES ON PUBLIC RECORDS

- A. With respect to an email message that is prepared, owned, used or retained by the County, the content of such email message determines whether or not it is a public record.
 - 1. An email message is generally considered to be a public record if it contains information relating to the conduct of the public's business.
 - 2. An email message is generally not considered to be a public record if it contains only purely personal information unrelated to the conduct of the public's business.

- B. Some guidelines for making the determination as to whether or not an email message is a public record or exempt from disclosure include:
 - 1. Email messages that are SPAM, or commercial solicitation, or are of a personal nature which have no relevance to the conduct of County business shall not be considered to be public records and do not need to be retained.
 - 2. Preliminary drafts, notes, or interagency memoranda or intra-agency memoranda that are not retained by the County in the ordinary course of business are exempt from disclosure if the public interest in withholding those records clearly outweighs the public interest in disclosure.
 - a. These may generally include email messages that are pre-decisional communications to the extent they contain advice, recommendations, opinions, and deliberation in the policy-making processes and are not customarily preserved or retained.
 - b. Insofar as the above-described email messages also contain purely factual information, such information is generally not considered exempt from disclosure.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
ELECTRONIC MEDIA AND USE POLICY	A-50	9 of 9

ATTACHMENT 2

**ACKNOWLEDGEMENT OF
COUNTY OF RIVERSIDE
ELECTRONIC MEDIA AND USE POLICY**

I have received a copy of and am fully aware of the County of Riverside's electronic media and use policy; and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in department files.

**403 Search-Arrest Warrant_Probation-
Parole Search Service Matrix.xls**

307 Pursuit attestation_form.pdf

Statutes and Legal Requirements.pdf

DM010-2022 Use of Force Form Process.pdf

**1002 PERFORMANCE APPRAISALS_BUREAU
Appraisal protocol_08192011.pdf**

**Form - Documentation of Paid
Assistance to Law Enforcement.pdf**

Major Incident Notification Guide1.pdf

Riverside County District Attorney
Bureau of Investigation
Major Incident Notification Guide

Procedures: Locate the incident in the left column (below). Use the corresponding number identifier in the columns to the right to see who is responsible for making notification to specific Administrative Personnel.

- 1 – Chief of the Bureau**
- 2 – Assistant Chief / Operations**
- 3 – Assistant Chief / Administration**
- 4 – Commander of Affected Division**
- 5 – Supervising Investigator of Affected Division**
- 6 – Involved Bureau Employee**

	Supr Inv of Affected Division	Cmdr of Affected Division	SAU Commander	A/C Operations	A/C Administration	Bureau Chief	ADA Administration	District Attorney	Peer Support	RSO / PD / Coroner
Natural/Man-Made Occurrence (disaster) - Potentially requiring B of I Resources	6	5	2	4	4	2/3	1	1	2	
EOC/ERT Activation or Impending County Event That May Require B of I Resources	6	5	2	4	4	2/3	1	1		
Active Shooter / terrorist incident on RCDA Property	6	5	2	4	4	2/3	1	1	2	5/6
On-Duty Death of RCDA Employee or prominent Riverside County official		5		4	4	2/3	1	1	2	
Off-Duty Death of RCDA Employee or prominent Riverside County official		5		4	4	2/3	1	1	2	
RCDA Employee Caused Homicide, Death, or Critical Injury of Any Person	6	5		4	4	2/3	1	1	2	
DA Employee Involved Fatal Accident or Critical Injury	6	5		4	4	2/3	1	1	2	
Arrest, pending arrest, or implication of serious criminal conduct of a RCDA employee	6	5		4	4	2/3	1	1		
Arrest, pending arrest, or implication of serious criminal conduct of a high ranking government official within the County	6	5		4	4	2/3	1	1		
On-duty hospitalized injury of a B of I employee	6	5		4	4	2/3	1	1	2	
Off-duty hospitalized injury of a B of I employee	6	5		4	4	2/3	1	1		
DA Investigator involved shooting, on or off duty, with injury in California	6	5		4	4	2/3	1	1	2	2
DA Investigator involved shooting, on or off duty, without injury in California	6	5		4	4	2/3	1	1	2	2
Serious RCDA Office liability incident (traffic accident, personal injury, property damage)	6	5		4	4	2/3		1		
DA Employee field activities involving emergency assistance from outside agencies	6	5	6	4	4	2/3				
High risk search/arrest warrant operation	6	5		4	4	2/3				
Events that may cause major media focus on the RCDA	6	5		4	4	2/3		1		
Explosive device found on RCDA property	6	5		4	4	2/3	1	1		2
In-custody death or critical injury	6	5		4	4	2/3		1	2	2
On-duty intoxication or illness of a B of I employee requiring hospitalization	6	5		4	4	2/3		1		

***The District Attorney or his designee will make notifications to the PIO, County Counsel, Board of Supervisors, County CEO and Risk Management as necessary.**

Riverside County DA Policy Manual

Riverside County DA Policy Manual

INDEX / TOPICS

..... 168

A

ABBREVIATIONS	11
ACKNOWLEDGEMENTS	
Policy manual.	13
Policy revisions.	13
ADMINISTRATIVE INVESTIGATIONS	
OIS	78, 78, 78
OIS	78, 78
Recorded media files.	257
Vehicle damage.	336
ALCOHOL	
Vehicle use.	334
ALCOHOL	400
ALCOHOL USE	400
ALCOHOL, INTOXICANTS	140
ANIMALS	
Canines.	166
APPOINTMENTS	
Coordinator - portable audio/video recorders	258
Forfeiture reviewer.	297
Operations director.	318
PIO.	152
UAS Coordinator.	315
ARRESTS	
First amendment assemblies	278, 280
Seat belts.	416
ASSET FORFEITURE	294
AUDIO/VIDEO RECORDING	
Body-worn cameras.	254
Custodial interrogation.	285
AUTHORITY	
Canine handle.	167
Policy manual.	11
AUTHORITY, ETHICS	136
AUTOMATED EXTERNAL DEFIBRILLATORS (AED)	273

B

BADGE	
Mourning Badge.	448
BATON	58
BODY ARMOR	418
BODY-WORN CAMERAS	254
BOMBS	217
Portable audio/video recorders.	256

C

CANINES	166
Pursuits.	260
CASH	
Custodial searches.	385
CHILD ABUSE	127
CHILDREN	
Transporting.	417
CIVIL	
Liability response.	79
Subpoenas.	155
CIVILIAN/NONSWORN	
Crisis intervention incidents.	267
CODE-3	98
COMMAND STAFF	
Policy review.	13
COMMUNICATIONS CENTER	
Foot pursuits.	262
Mandatory sharing.	158
COMMUNICATIONS CENTER	
Crisis intervention incidents.	266
COMPUTERS	
Digital evidence.	286
CONDUCT	
OIS.	73
Standards of conduct.	138
CONFIDENTIALITY	
Communications center.	349
Surreptitious recording.	256
CONTROL DEVICES	
First amendment assemblies.	279
CONTROL DEVICES	57
CONTROL DEVICES	57
CORRESPONDENCE	27
COURT APPEARANCES	154
COURT ORDERS	
Surreptitious recording.	256
CRIME ANALYSIS	342
CRIME SCENE AND DISASTER INTEGRITY	177
CRISIS INTERVENTION INCIDENTS	264
CRISIS NEGOTIATION TEAM	179
CRISIS RESPONSE UNIT	179
CUSTODIAL INTERROGATIONS	285
CUSTODIAL SEARCHES	384

D

DAMAGE BY COUNTY PERSONNEL	147
DEBRIEFING	
OIS.	79
Tactical.	80

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

DECONFLICTION	320	INTERNET ACTIVITY	461
DEFECTIVE VEHICLES	331	INVESTIGATION AND PROSECUTION	284
DEFINITIONS	12	J	
DEPARTMENT OWNED PROPERTY	324	JURISDICTION	
DEPARTMENT PROPERTY		OIS.	72
Loss Or Damage.	325	JURISDICTIONS	
DEPARTMENTAL DIRECTIVES	21	Vehicle pursuits.	95
DISASTER PLAN	22	K	
DISCIPLINE	135	KINETIC PROJECTILES	59
DISCLOSING INFORMATION	461	L	
DISTRIBUTION	12	LEG RESTRAINT	47
DOMESTIC VIOLENCE		LIMITED ENGLISH PROFICIENCY	
Reporting of Employee Convictions.	398	Eyewitness identification.	306
DRIVING, SAFETY SAFETY, CONDUCT		LIMITED ENGLISH PROFICIENCY	161
FIREARMS, CONDUCT	139	M	
DRUG USE	400	MANUALS	22
E		MEDIA	
ELECTRO-MUSCULAR DISRUPTION		OIS.	80
TECHNOLOGY DEVICE	65	MEDICAL	
ELECTRONIC CIGARETTES	405	For canines.	171
ELECTRONIC MAIL	26	Releases.	273
EMERGENCY MANAGEMENT PLAN	22	MEMORANDUMS	27
EPINEPHRINE AUTO-INJECTORS	273	MODIFIED-DUTY ASSIGNMENTS	457
EVALUATION	395	MUTUAL AID	
EVIDENCE		First amendment assemblies.	279
Digital.	286	Interstate peace officer powers.	10
EVIDENCE, BOMBS	221	N	
EXPLOSIONS	220	NOTIFICATIONS	
EXPOSURE(S)	213	Sick leave.	404
F		O	
FIREARMS		OFFICER SAFETY	
Removal for vehicle maintenance.	331	Canine deployment.	167
Retiree.	31	Communications center.	349
FIREARMS		Crime scene and disaster integrity.	177
Qualifications.	83	Foot pursuits.	260
FITNESS FOR DUTY	427	LEOSA.	31
FOREIGN DIPLOMATIC AND CONSULAR		Seat belts.	416
REPRESENTIVES	234	OFFICER-INVOLVED SHOOTING (OIS)	72
G		OPERATIONS PLANNING AND	
GRIEVANCE PROCEDURE	397	DECONFLICTION	318
GROOMING STANDARDS	443	OUTSIDE AGENCY ASSISTANCE	157
H		OUTSIDE EMPLOYMENT	435
HAZARDOUS MATERIAL	212	Change in Status.	438
I		Obtaining Approva.	435
INFORMATION TECHNOLOGY USE		Prohibited Outside Employment.	436
TECHNOLOGY USE	141		

Riverside County District Attorney - Bureau of Investigation

Riverside County DA Policy Manual

Security Employment.	437	Seat belts.	416
OVERTIME		SEARCH & SEIZURE	104
Court.	156	SEARCHES	
OVERTIME PAYMENT	434	Crime scene.	178
P		Custodial.	384
PEPPER PROJECTILES	58	SEARCHES	
PERSONAL APPEARANCE	443	Vehicles.	334
PERSONAL PROPERTY	324	SEAT BELTS	416
Loss Or Damage.	325	SECURITY EMPLOYMENT	437
PERSONNEL COMPLAINTS		SMOKING AND TOBACCO USE	405
Portable audio/video review.	257	SOCIAL NETWORKING	460
PHOTOGRAPHS		STANDARDS OF CONDUCT	134
First amendment assemblies.	277	SUBPOENAS	154
PIO	152	SUBPOENAS AND COURT APPEARANCES	154
POLICY MANUAL	11	T	
POLITICAL ACTIVITY	462	TASER	65
POLITICAL ENDORSEMENTS	462	TATTOOS	443
PREGNANCY	459	TOLL ROADS	337
PRESS INFORMATION OFFICER	152	TRAINING	
PRIVACY EXPECTATIONS		AED.	273
Audio/video recordings.	254	Dispatcher.	349
Unmanned aerial system.	315	Epinephrine auto-injector.	274
PROHIBITED SPEECH	461	Operation planning and deconfliction.	322
PROTECTED INFORMATION		Shared equipment and supplies.	158
Communications center.	349	U.	316
PURSUIITS		TRAINING	
Foot.	260	SWAT.	182
R		TRAINING PLAN	23
RAPID RESPONSE AND DEPLOYMENT	238	TRAINING POLICY	23
RECORDS RELEASE		U	
Audio/video recordings.	259	UNIFORM REGULATIONS	445
Child deaths.	133	UNIFORMS	
REPORT PREPARATION	145	Courtroom attire.	156
REPORTING POLICE ACTIVITY	240	UNMANNED AERIAL SYSTEM	315
RESPONSE TO CALLS	98	USE OF FORCE	
REVIEWS		First amendment assemblies.	279
Policy manual.	13	V	
Portable audio/video.	257	VEHICLE MAINTENANCE	331
UAS.	315	VEHICLE PURSUITS	89
Use of force - annual.	45	VIDEO RECORDINGS	
RISK ASSESSMENT	318	First amendment assemblies.	277
S		W	
SAFETY		WASHING OF VEHICLES	331
Communications center.	343	ADMINISTRATIVE INVESTIGATION	78
First responder.	177		
Media.	152		
SAFETY EQUIPMENT			
First amendment assemblies.	278		