

Criminal Investigations Division - Policies and Procedures

I. PURPOSE

A. INTRODUCTION

This policies and procedures manual provides Criminal Investigations Division employees with guidelines to assist in the fulfillment of our mission and goals. The policies and procedures contained herein supplement existing policies and procedures that have been implemented by the County of Humboldt as well as by the Humboldt County District Attorney. Because this manual is a supplement to those existing policies and procedures, Investigation Division employees will refer to those policies for guidance in certain particular areas.

Investigation Division employees are expected and required to abide by all Humboldt County policies and procedures, including those contained in this manual. This manual will be updated on a periodic, as needed basis, and each employee is responsible for maintaining and updating their manual as revisions are published and distributed.

B. MISSION STATEMENT

The mission of the Humboldt County District Attorney's Office - Criminal Investigations Division is to serve the District Attorney and the public by ensuring thorough, professional criminal and civil investigations in support of prosecution efforts. Of equal importance is public education on crime prevention and the achievement of excellence in service with understanding and compassion for victims of crime and professional interaction with allied agencies.

C. AUTHORITY

The authority of the District Attorney to investigate and prosecute criminal conduct is established in constitutional and statutory law. The Criminal Investigations Division is the investigative and enforcement arm of the District Attorney's Office. The Chain of Command will be Chief Investigator, then Senior Investigators, Investigators, and other professional staff, assigned to the Investigations Division.

In the absence of the Chief Investigator, an Acting Chief will be appointed by the Chief Investigator or the District Attorney.

II. CODE OF ETHICS

A. The Law Enforcement Code of Ethics

It is hereby adopted by the Humboldt County District Attorney's Office - Criminal Investigations Division - and serves to remind office employees and citizens alike that the objectives of professional law enforcement are of the highest order.

B. Law Enforcement Code of Ethics

"As a law enforcement officer, my fundamental duty is to serve mankind; 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; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendship 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 face, malice of 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 constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession - Law Enforcement."

III. GENERAL RULES AND REGULATIONS

A. PROFESSIONAL CONDUCT

1. **Standard of Conduct:** Personnel will conduct their private and professional lives in such a manner as to avoid bringing discredit upon the District Attorney's Office.

2. **Knowledge and Obedience of Laws, Regulations and Policies:** Investigation division Personnel are required to establish and maintain a working knowledge of all state laws, county ordinances, office regulations, policies and procedures applicable to their function. Personnel are expected to be familiar with and obey all applicable laws and ordinances.

3. **Violation of Rules:** Personnel shall not commit or omit any acts which constitute a violation of any rules, regulation, policies or procedures of the office, whether stated in this manual or elsewhere.

4. **Criticism of Persons or Procedures:** Personnel will strive to avoid open and repeated complaints about co-workers, county administration personnel, or office policies and procedures. When in disagreement, personnel will discuss their complaints with their supervisor in a constructive, respectful manner. Suggestions for practical alternatives should be provided with realistic solutions.

5. **Unethical or Unbecoming Conduct:** Unethical or unbecoming conduct is any conduct which tends to damage public respect for law enforcement employees and confidence in the services they provide. Private conduct can be a basis for unbecoming or unethical conduct if there is a direct relationship between the conduct and a provable impact on the job performance or the effective functioning of the office. Such conduct will not be tolerated and any member observing or hearing of such conduct by other personnel will report it immediately to a supervisor.

6. **Compromise of Criminal Cases:** No personnel will interfere with the administration of criminal justice, nor will they participate in any activity which interferes with the legal process of law. Personnel will not attempt to have any legal process dismissed, reduced, voided or stricken from any official record except in the interest of justice and only with the advanced authorization of the District Attorney.

7. Reports and Records: No member shall knowingly alter, remove, delay or falsify any official office record nor cause any inaccurate, misleading or false information to be entered into any office record, book or report. No member shall knowingly sign or submit an inaccurate or false report, statement, time sheet or affidavit.

8. Withholding Criminal Information: Personnel receiving or possessing facts, information or evidence relative to a criminal offense or case shall not retain such facts, information or evidence for ulterior motives, desire for personal credit or aggrandizement. Such information or evidence will be reported or brought to the attention of the appropriate prosecutor, or to the District Attorney.

9. Abuse of Position: Personnel will not use their official position, official identification cards or issued peace officer badges for: personal gain; avoiding the consequences of illegal acts; or obtaining privileges not otherwise available to them except in the performance of duty.

10. Gratuities: Personnel will not use their position to seek or accept free or reduced prices on food, transportation, and admission to events, favors or other things of value.

11. Under the Influence/Possession of Controlled Substances: No personnel shall at any time be under the influence of an alcoholic beverage or an illegal controlled substance while on duty. Personnel shall not, except in the performance of duty, be in possession of any illegal controlled substance. This policy does not apply to prescription medications properly used and obtained from a treating medical provider.

12. Association: Personnel will avoid off-duty associations with persons whom they know or should know are under criminal investigation or indictment or have a reputation in the office or the community for present involvement in felonious or criminal behavior. Exceptions to these are associations necessary to the performance of official duties or where associations are unavoidable because of other personal relationships. Such associations known to the members shall be reported to the Chief Investigator.

B. INVESTIGATIVE DUTIES AND RESPONSIBILITIES

1. Responsibility: District Attorney Investigators are court-oriented peace officers with the primary responsibility of assisting the legal staff in the prosecution of defendants. That role may vary from trial preparation and support to the traditional functions of criminal investigations, specialized assignments, Grand Jury Investigations, investigation of officer involved critical incidents and the investigation of official corruption or malfeasance.

2. Teamwork: Cooperation between office personnel is essential for efficient operation. Personnel are required to conduct themselves in a manner which supports teamwork and enhances the office in the accomplishment of its stated mission. Personnel will share information to achieve desired results and assist others when the need is apparent.

3. Internal Relations: Personnel will treat superiors, colleagues, and subordinates with respect. They will find constructive ways to handle conflicts and not allow differences with others to disrupt their work or the work of others. Personnel will listen to others before responding and introduce ideas in ways that aid understanding. Interaction with others should produce results that are beneficial to the team.

4. **Public Relations:** Personal behavior and actions will be consistent with the District Attorney's and county's mission statements, values and policies. Interactions with the public will be service-oriented as exhibited by courtesy, respect and professionalism. Upon request, all personnel will provide their names in a courteous manner. Personnel will abide by the same laws and ordinances that the general public is expected to follow.

5. **Dress and Appearance:** Criminal Investigations Division personnel should always strive to present a professional appearance and demeanor consistent with the legal business role of this office by dressing neatly and being well groomed when performing office duties during regular business hours. At minimum, Investigation Personnel should wear a sport coat, tie and dress slacks that would promote a professional image. Denim pants and jackets, T-shirts, sweatshirts, and casual slip-on shoes or sandals are not considered appropriate office attire, except as required while operating in an undercover capacity, or as authorized by the Chief Investigator.

6. **Firearm Concealment:** Investigators issued duty firearms will endeavor to conceal these weapons by wearing a coat, vest or other appropriate exterior cover. Untucked shirts are permitted for use as a "cover" if the shirt is designed to be worn outside the pants and remains buttoned. For officer safety purposes, investigators engaged in a law enforcement activity will individually determine how best to wear their duty weapons according to circumstances at that time.

7. **Alternate Attire:** When necessary, (i.e., search warrants, callouts, warrant sweeps) Criminal Investigations Division personnel may elect to wear clothing consistent with the task at hand which would include office assigned "raid gear" and clothing. Personnel assigned to a "Task Force" will comply with the dress code of that particular unit.

8. **Work Habits:** All personnel are expected to be productively engaged in the office's tasks while on paid time. They are expected to organize their time and focus their attention on the priorities assigned. They are to comply with all office/county policies and procedures.

9. **Performance of Duty:** Duties and assignments will be performed as required or directed by law, office regulations, policy and procedure, or by direction or order of a supervisor. All lawful duties or assignments required or directed by competent authority will be performed in a timely manner.

10. **Duty Hours:** Regular hours of active duty will be assigned to all personnel. All personnel will report for duty or other special assignments promptly at the time specified.

11. **Absence from Duty:** Anyone who fails to appear for duty at the date, time and place specific without the consent of competent authority is "absent without leave." Such absences will be reported to the Chief Investigator.

12. **Fitness for Duty:** Any personnel reporting for, or on duty, which is determined to be unfit due to emotional instability or physical disability, shall be placed on administrative leave by the supervisor in their chain of command. That supervisor will immediately document the issue and forward it to the District Attorney through the chain of command.

13. **Truthfulness:** Upon the order of the Chief Investigator or any superior officer, personnel shall truthfully answer all questions which may be asked of them specifically directed and narrowly related to the scope of employment and operations of the office.

14. **Insubordination:** Failure or deliberate refusal of any employee to obey a lawful directive of a supervisor is insubordination. Ridiculing a supervisor or their orders is insubordination.

15. **Manner of Issuing Orders:** Orders from a superior to a subordinate will be in clear and understandable language, civil in tone and issued in pursuit of departmental business.

16. **Obedience to Unjust or Improper Orders:** Personnel receiving orders they feel to be unjust or improper to rules and regulations should, time and circumstances permitting, advise the supervisor giving the order that it is unjust or improper. The responsibility for the conflict will rest with the supervisor. Personnel will obey the order they believe to be unjust or improper. They may request that the order be witnessed by other division personnel.

17. **Unlawful Orders:** No Investigation Division Personnel shall knowingly issue any order which is in violation of any law, ordinance, or office rules or regulation.

18. **Obedience to Unlawful Orders:** Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member is required to obey any order which is contrary to any law. Responsibility for refusal to obey rests with the refusing individual.

19. **Conflicting Orders:** Upon receiving an order that conflicts with any previous order or instruction, the affected individual will advise the person issuing the second order of this fact. Responsibility for countermanding the original order or instruction rests with the individual issuing the second order, who will document, and report said action to the member who issued the original order. If so directed, the latter order or instruction shall be obeyed first.

20. **Illness/Injury:** Conditions for use of sick leave shall be governed by the appropriate MOU or county policy. No one shall feign sickness or injury to deceive a representative of the office regarding the member's condition.

21. **Injured While on Duty:** When an employee is injured on duty, seeking medical attention shall be the first priority. Depending on the circumstances, the injured employee (or any uninjured investigator or other law enforcement personnel present at the scene) should make the assessment whether they can drive themselves to a medical facility or whether emergency personnel should respond to his or her location. After making that determination, and as soon as is practical, notification should be made, by either the injured employee or by other law enforcement or medical personnel, to the employee's immediate supervisor or another member of the District Attorney's Office. A supervisor will complete all necessary paperwork.

22. **Unsatisfactory Performance:** Personnel will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Performance of such duties will be in a manner that maintains the highest standards of efficiency in carrying out the functions and objectives of the office. Unsatisfactory performance may be demonstrated by the following: A lack of knowledge of the necessary performance skills; an unwillingness or inability to perform assigned tasks; failure to conform to work standards; failure to take appropriate action on the occasion of a crime or other situation deserving law enforcement action; or absence without leave. Other indicators of unsatisfactory performance will also be considered: Repeated poor performance evaluations or a written record of repeated infractions of office rules, regulations, policies, or orders.

23. **On-Call/Call Outs:** All personnel are subject to being called out for emergency situations or critical incident responses during non-duty hours. Department issued cellular telephones should remain activated at all times, whether on and off duty, and be immediately accessible or monitored on a regular basis.

24. **Outside Employment:** Employees shall not engage in any type of outside employment without the prior authorization of the District Attorney.

a. The following types of outside employment are incompatible with respect to the District Attorney's Office:

1. Private investigative or security work or consulting services.
2. Assisting in the defense of a criminal case.
3. Employment with an entity that represents criminal defendants.
4. Employment with anyone charged with or under investigation for the commission of a criminal offense.

b. Prior to engaging in any type of outside employment, the employee shall submit, via the employee's supervisor, a written request to the District Attorney seeking permission for that employment. The written request shall identify the nature of the intended employment, the name and address of the intended employer, and the anticipated number of hours to be worked per week.

c. Long-term outside employment will be subject to annual review and reauthorization by the District Attorney.

C. PROCEDURES FOR PROACTIVE FIELD ENFORCEMENT

1. **Proactivity:** District Attorney Investigators are encouraged to engage in proactive law enforcement. If a circumstance occurs in the field requiring a DA Investigator to invoke their authority as a Peace Officer, the following should be considered:

- a. Protection of life & property.
- b. Requirements of allied law enforcement agencies.
- c. Overall needs of this office.

2. **Factors:** The following are intended to aid DA Investigators in fostering a cooperative atmosphere in the protection of the public, while engaged in the enforcement of the laws of the State of California. When possible, DA Investigators should consider these factors before engaging in proactive law enforcement:

- a. Are assigned cases adequately managed to allow for proactive patrol, surveillance or enforcement?

- b. Contact your supervisor beforehand to ascertain if there are any additional assignments within the office.
- c. Liaison with the local law enforcement jurisdiction to advise of the intended activity.
- d. Inquire about their need for additional resources for specific areas within their jurisdiction.
- e. Advise your supervisor of any jurisdictional agency' s needs.

3. Mutual Law Enforcement Assistance: Requests for law enforcement assistance from agencies outside Humboldt County should be directed to a supervisor who will determine the propriety of the request and allocate available resources.

- a. The supervisor will assign an investigator to complete the request.
- b. If the request is an out-of-county assignment and requires multiple personnel, DA Investigators will, if possible, work as the second officer with personnel from the requesting agency.

D. EQUIPMENT USE AND MAINTENANCE

1. Handgun, Badge and Identification Card: All on-duty investigators shall, at a minimum, wear their primary duty handgun and their issued badge on their immediate person. Their issued Peace Officer identification card should be readily accessible. Except when impractical or unfeasible, all investigators will verbally identify themselves and display their official badge before taking any law enforcement action.

2. Office Property and Equipment: Investigation Division personnel who are assigned or who use any department equipment are expected to maintain that equipment in a manner which will promote their good working order and appearance. Office property that is damaged or in a state of disrepair shall be reported to a supervisor who shall authorize repair where necessary. Property damaged through lack of care or negligence may subject the individual responsible to disciplinary action. In addition, investigators are responsible for having readily available all assigned safety equipment, e.g., firearms, magazines, flashlights, portable radio, raid gear, ballistic vest, et cetera.

3. Vehicles: Personnel assigned vehicles will be responsible for the maintenance and cleanliness of the vehicle. Vehicle assignments are made to enhance effectiveness and efficiency and to maximize vehicle care. Personnel assigned vehicles are responsible for keeping the vehicle clean and free of debris, evidence and contraband. Prescribed maintenance schedules will be observed, and vehicles will be operated in conformance to state and local laws. Use of tobacco products, of any kind, is prohibited in all county vehicles. Laws regulating the operation of vehicles, including the vehicle code and applicable county/office policies, shall be complied with.

4. Vehicle Accident Reports: Personnel involved in a vehicle accident while operating a county vehicle shall initiate the necessary reports. The Chief Investigator shall be notified of the incident without unnecessary delay.

5. Misuse of Property or Equipment: Personnel will not be appropriate for personal use any county property, equipment, evidence or supplies.

6. **Lost or Stolen Property:** All lost or stolen office equipment or property will be reported immediately to the Chief Investigator or to your immediate supervisor.

7. **Manual Maintenance:** Individuals assigned to a department manual of regulations and policies are responsible for the maintenance of the manual and will make the appropriate changes or include inserts as they are received.

E. COMMUNICATIONS AND CORRESPONDENCE

1. **Official Letters:** All official letters will be written on an office letterhead. No one shall send any official correspondence outside the normal course of business without authorization.

2. **Interdepartmental Memos or E-mails:** Interdepartmental memos or e-mails will be used for information and notification purposes as well as policies and procedures.

3. **Forwarding Communications:** Anyone receiving written communication for transmission to another member, supervisor or manager will, in every case, forward such communication.

4. **Official Business:** Transaction of business within the office will occur through appropriate channels, following the prescribed chain of command. This regulation does not prevent individuals from contacting the Chief Investigator or the District Attorney on matters of a personal nature.

5. **Telephone/Cellular Phone/Computer:** Office telephones, cellular phones, and computers are meant for office-related business. Incidental and occasional personal use of the items may occur when such use does not generate a direct cost to this office or the County or hinders productivity in the workplace.

6. **Dissemination of Information:** The official business of this office is sensitive in nature. Information regarding official business will be disseminated only by those for whom it is intended and in accordance with established office procedures. Improper dissemination may violate an individual's civil rights and existing law.

7. **Information Access:** Information from office computer databases or records management systems shall be accessed and used for official use only.

8. **Employee Information:** All requests for information concerning current or former personnel shall be referred to the office Personnel Manager. No one shall discuss a current or former employee's employment status or job performance without prior authorization from the Chief Investigator.

9. **Address and Telephone Numbers:** All personnel will keep the office advised of their correct address and telephone number at all times. Any changes shall be reported to the Chief Investigator and the Personnel Manager. All personnel are required to have a working telephone at their residence.

10. **Release of Address and Telephone Numbers:** No one shall divulge the home address or telephone number of personnel to any person outside the office without the approval of that individual or supervisor.

11. **Law Enforcement Radio Use:** Members using official police communication equipment (radio) shall adhere to the rules and regulations set forth by the Federal Communications Commission and office policy.

F. JUDICIAL RESPONSIBILITIES

1. **Subpoenas:** All personnel shall accept all legally served subpoenas issued by this office.

2. **Court Appearances:** Attendance as a member of the District Attorney's Office at judicial hearings as required by subpoena is an official duty assignment. Permission to omit this duty can only be obtained from a court official or from the issuing agency.

3. **Court Attire/Conduct:** Personnel will appear for any judicial proceeding in business attire and present a professional appearance and will avoid any conduct which might imply disrespect to the court or bring discredit to the office. When testifying in court, the appropriate attire for males is neck ties, dress shirts and sport coats or suits. When testifying in court, the appropriate attire for females is a suit or dress, or a pant suit outfit.

4. **Defense Subpoena/Testimony:** Defense subpoenas are usually coordinated by the Chief Investigator. Personnel who receive a subpoena to testify for the defense at any judicial proceeding or against Humboldt County or the District Attorney's Office shall notify their immediate supervisor upon receipt of the subpoena. The appropriate prosecutor or office management staff shall be notified as soon as practical.

5. **Civil Actions:** Personnel shall not volunteer to testify and shall not testify unless legally subpoenaed in civil actions resulting from office employment. If served with a civil subpoena arising from office employment, personnel shall immediately notify their supervisor and appropriate management staff.

6. **Depositions and Affidavits - Civil:** Personnel shall confer with their supervisor before giving a deposition or providing an affidavit on a civil case which directly or indirectly affects the District Attorney's Office. The supervisor shall notify appropriate management staff.

G. PUBLIC ACTIVITIES

1. **Public Relations:** When meeting with the public all personnel will behave courteously and professionally so as to bring credit to the office.

2. **Contacting Public Officials:** Personnel will report contacts concerning office business by any Humboldt Board of Supervisor, Humboldt Elected Official, or Humboldt Department Head to their supervisor. This regulation does not prohibit any personnel from exercising their individual rights to contact an official regarding an issue of community concern.

3. **Media Relations:** Except when specifically authorized, all communications to any media representative will be made by the District Attorney, the Assistant District Attorney or the Chief Investigator. Media personnel will be treated courteously and allowed to conduct their business, provided it does not obstruct, delay or interfere in any investigation by this office.

4. **Public Appearances:** All requests for public appearances, instructional activity or office representation shall be directed by a supervisor or the Chief Investigator.

5. **Speaking Appearances:** Personnel will secure the permission of the Chief Investigator before participating in any speaking engagement as an official representative of the office.

H. TRAINING STANDARDS

1. **Training Assignments:** Personnel may be assigned to attend courses, seminars, conferences or training sessions as deemed necessary. Training is a duty assignment.

2. **Conduct:** Personnel shall conduct themselves in a professional manner so as not to bring discredit to the office.

3. **Attendance:** Any member assigned to any training session who is unable to attend as scheduled shall notify appropriate supervisory staff.