# INSPECTORS’ DIVISION POLICY MANUAL

## Table of Contents (Revised 03/08/2016)

1. **ADMINISTRATIVE POLICY** ............................................................................................................. 1  
   1.1. District Attorney Inspector ............................................................................................................ 1  
   1.2. Vacation ........................................................................................................................................ 1  
   1.3. Sick Leave .................................................................................................................................... 1  
   1.4. Industrial Injury/ILLness ............................................................................................................... 2  
   1.5. Leave of Absence With or Without Pay ..................................................................................... 3  
   1.6. Authorized Equipment ................................................................................................................. 3  
   1.7. Issued Equipment ......................................................................................................................... 4  
   1.8. Disciplinary Actions ................................................................................................................... 4  

2. **PERSONNEL POLICY** .................................................................................................................... 5  
   2.1. Professional Conduct ................................................................................................................ 5  
   2.2. Public Activity ........................................................................................................................... 8  
   2.3. Attire/Personal Appearance ...................................................................................................... 8  

3. **USE OF FORCE** ............................................................................................................................... 9  
   3.1. Purpose ....................................................................................................................................... 9  
   3.2. Policy ......................................................................................................................................... 9  
   3.3. Definitions ............................................................................................................................... 10  
   3.4. Legal Authority ....................................................................................................................... 10  
   3.5. Reasonableness of Force ............................................................................................................ 11  
   3.6. Less Lethal Force ...................................................................................................................... 13  
   3.7. Deadly Force ............................................................................................................................ 14  
   3.8. Post Use of Force Medical Aid ................................................................................................ 15  
   3.9. Post Use of Force Reporting/Investigation ............................................................................. 16  
   3.10. Discharge of Firearm ............................................................................................................... 18  

4. **HANDLING OF FIREARMS** .......................................................................................................... 19  
   4.1. Handling/Storage of Firearms .................................................................................................. 19  
   4.2. Purchase of Firearm ............................................................................................................... 19  
   4.3. Sale of Firearm ........................................................................................................................ 20  
   4.4. Off-Duty Firearm ..................................................................................................................... 20  

5. **USE OF AEROSOL OLEORESIN CAPSICUM (O/C SPRAY)** ................................................. 20  
   5.1. OC Spray .................................................................................................................................... 20  

6. **VEHICLE POLICY** .......................................................................................................................... 21  
   6.1. Use of County Vehicle ............................................................................................................. 21  
   6.2. Vehicle Maintenance ............................................................................................................... 22  
   6.3. Radio Repair/Installation .......................................................................................................... 23  
   6.4. Vehicle Check Out ................................................................................................................... 23  
   6.5. Gasoline Credit Card .............................................................................................................. 23  
   6.6. Airport Parking Pass ............................................................................................................... 24  
   6.7. Emergency Repairs ................................................................................................................ 24  
   6.8. Vehicle Accidents/Damage .................................................................................................... 25  
   6.9. County Vehicle Parking ...................................................................................................... 25  
   6.10. Vehicle Driver Card .............................................................................................................. 26
# INSPECTORS’ DIVISION POLICY MANUAL

6.11. Vehicle Card ................................................................. 26
6.12. Proof of Insurance ........................................................... 26
6.13. Change of Vehicle ............................................................ 26
6.15. Vehicle Citations ............................................................. 27
6.16. Vehicle Pursuits (attachment link) ........................................ 27
6.17. Evidence Vehicles ........................................................... 27

7. EXPENSE POLICY ................................................................... 27
7.1. Special Departmental Expense ............................................. 27
7.2. Witness Expense Claim ...................................................... 28
7.3. Travel Expense (in-state) .................................................... 28
7.4. Travel Expense (out of state) .............................................. 29

8. TRAINING POLICY .................................................................. 29
8.1. Training Responsibility ....................................................... 29
8.2. Prior Approval .................................................................. 29
8.3. Training Incentive Program (T.I.P.) ....................................... 30

9. RANGE POLICY ...................................................................... 31
9.1. Range Safety .................................................................... 31

10. CORRESPONDENCE POLICY ................................................. 32
10.1. Out-going Correspondence ............................................... 32
10.2. In-coming Correspondence ............................................... 33
10.3 Written Reports ................................................................. 33

12. BIASED BASED POLICING .................................................... 34
12.1. Definition ..................................................................... 34

13. SEXUAL HARRASMENT POLICY ............................................ 35
13.1. Statutory Authority ......................................................... 35

14. HOMICIDE DUTY .................................................................. 37

15. CITIZEN COMPLAINTS .......................................................... 38
15.1. Method Of handling Citizen Complaints ............................... 38

16. PRISONER TRANSPORTATION .............................................. 39
16.1. Caged Car .................................................................... 39

17. HANDLING EVIDENCE ......................................................... 40
17.1. Chain of Custody ............................................................ 40
17.2. Evidence Viewing ........................................................... 40
INSPECTORS’ DIVISION POLICY MANUAL

17.3. Release of Evidence................................................................. 41
17.4. Criminal Offender Record Information .................................... 41

18. GRAND JURY ........................................................................... 41
18.1. Grand Jury Case Preparation .................................................. 41

19. PRESS POLICY ......................................................................... 42
19.1. Press Interviews .................................................................. 42

20. SPECIAL OPERATIONS, RISK ASSESSMENTS AND OPERATIONS PLAN .......... 42
20.1. Operations Plan .................................................................... 42

21. IN-CUSTODY DEATHS ............................................................... 44
21.1. Definition ............................................................................ 44
21.2. Preliminary and Follow-up Investigation ................................. 44
21.3. Supervisors’ Responsibility .................................................... 44
21.4. Chief of Inspectors’/Commanders’ Responsibility ................. 45
21.5. State Notification .................................................................. 45

22. DOUBLE BLIND SEQUENTIAL PHOTO LINEUP .............................. 45
22.1. Investigating Inspector’s Assembling of Photo Line-Up .......... 45
22.2. Blind Administrator’s Witness Admonishment ....................... 46
22.3. Conducting Sequential Line-Up ............................................ 46
22.4. Record All Results In Inspector’s Report .............................. 46
22.5. Witness Completion Of Double Blind Identification Form .... 47
22.6. If More Than One Suspect, Complete Separate Line-Ups ....... 47
22.7. If More Than One Witness, Keep Witnesses Separate ............ 47
22.8. If More Than One Witness, Investigator To Change Order Of Photos ...... 47
22.9. Instruct Witnesses To Avoid Discussing Details Of Line-up .... 47
22.10. Inspectors Shall Book Original Line-Up When Completed ...... 47

23. DOUBLE BLIND SEQUENTIAL PHYSICAL LINEUP .......................... 48
23.1. Investigating Inspector Shall Assemble Physical Line-Up .......... 48
23.2. Blind Administrator Shall Admonish Witness ......................... 48
23.3. Conduct Sequential Physical Line-Up .................................... 49
23.4. Post Line-Up Identification Procedure .................................. 49
23.5. Record All Results In Writing ............................................. 49
23.6. Witness To Sign And Date Physical Line-Up Form .................. 49
23.7. Document Physical Line-Up In Inspector’s Report .................. 49
23.8. If More Than One Witness, Keep Witnesses Separate .......... 50
23.9. Instruct Witnesses To Avoid Discussing Details Of Line-Up .... 50
23.10. Inspectors Shall Book Video, ID Form, And Line-Up Form Into Evidence ...... 50

24. SEARCH Warrants AND RAMEY WARRANTS .................................. 50
24.1. Search Warrants ................................................................... 50
24.2. Arrest Warrants & Ramey Warrants ...................................... 51
1. **ADMINISTRATIVE POLICY**

1.1. **District Attorney Inspector**

1.1.1. All Inspectors employed by the District Attorney’s Office are full-time peace officers according to section 830.1 of the California Penal Code, and as such, have full peace officer powers within the State of California.

1.1.2. All Inspectors within the District Attorney's Office are "at will" employees. The term "at will" is defined as "at the discretion of the District Attorney.”

1.1.3. All Inspectors within the District Attorney's Office shall be available for duty and subject to call 24 hours a day, regardless of assignment. If a critical incident or major disaster occurs, Inspectors shall contact their immediate supervisor for updates and information.

1.2. **Vacation**

1.2.1. All full-time Inspectors accumulate vacation and are eligible to take paid vacation. Vacation is accrued at the rate prescribed by the County.

1.2.2. All vacation requests must be submitted to the immediate supervisor for approval at least five days prior to the start date. Extenuating circumstances may be considered by the supervisor if five days' notice is not given.

1.2.3. DA form entitled "REQUEST FOR TIME OFF" shall be completed by all Inspectors seeking vacation, floating holidays, paid leave, or emergency personal leave. The form shall be submitted to the immediate supervisor for approval.

1.2.4. All "REQUEST FOR TIME OFF" forms shall be submitted through the chain of command in a timely manner or immediately upon return from emergency leave.

1.2.5. Vacation may be sold back at the rate authorized by the county. Vacation sell-back may be denied by the District Attorney or County at any time.

1.3. **Sick Leave**

1.3.1. All full-time Inspectors accumulate sick leave at the rate prescribed by
the County.
1.3.2. DA form entitled "EMPLOYEE SICK LEAVE REPORT" shall be used to report all sick leave including medical/dental appointments, injuries, maternity leave, and care of immediate family. The form shall be submitted to the immediate supervisor in a timely manner, prior to an appointment, or upon returning to work.

1.3.3. All Inspectors shall notify their immediate supervisor or the next supervisor in their chain of command on the same day of their absence if they are ill, injured, or seeking medical care. It shall be the responsibility of the notified supervisor to advise the chain of command of the absence.

1.3.4. Any absence due to an illness for a period of time exceeding three (3) days off may require a letter from a physician stating the Inspector was unable to work during that period of time.

1.3.5. Any long-term illness or injury shall require a “FULL DUTY” release statement from a recognized physician prior to returning to work. The Chief of Inspectors may require the opinion of a county designated physician depending on the type of injury or illness. “Long Term” is defined as “under Doctors care” for an extended period of time.

1.3.6. The Chief of Inspectors may require ill or injured Inspectors to report their status on a daily or weekly basis.

1.3.7. Inspectors shall not abuse their sick leave, or use it for any purpose other than those defined by the County of Alameda.

1.3.8. Inspectors who abuse their sick leave privilege are subject to disciplinary actions.

1.4. Industrial Injury/Illness

1.4.1. All Inspectors injured in the line of duty are covered by the State of California Workers Compensation Act. It is the responsibility of the injured Inspector to immediately notify, as soon as possible, their supervisor or the next supervisor in their chain of command of the injury, the cause of the injury, and the extent of the injury.

1.4.2. The immediate supervisor shall be responsible for the proper completion of form 5020 "SUPERVISOR'S ROUGH DRAFT," collection of form 5020-W "WITNESS TO JOB-RELATED INJURY," and directing injured persons to either their "pre-designated" physician or a "workers' compensation" physician as listed on posted form 175-75D at the work site. The injured employee shall be given the appropriate copy of all forms. This shall be completed within 24 hours of notification.

1.4.3. [http://dsmain/docushare/dscgi/ds.py/View/Collection-168](http://dsmain/docushare/dscgi/ds.py/View/Collection-168)
1.4.4. All immediate supervisors shall notify the chain of command about the injury incident as soon as possible.

1.4.5. Any follow-up correspondence, medical reports or similar materials given to the employee for the employer shall be provided without delay to the Chief of Inspectors.

1.5. **Leave of Absence With or Without Pay**

1.5.1. Any Inspector who, without prior approval, is absent for three consecutive work days and fails to perform their duties may be terminated.

1.5.2. Military leave of absence shall be allowed with pay and in accordance with all applicable laws. DA form 052 entitled "REQUEST FOR LEAVE OF ABSENCE" shall be submitted with copies of official military orders to the Chief of Inspectors.

1.5.3. Bereavement leave shall be allowed with pay, not to exceed five (5) days, for the verified death of an Inspector's father, mother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, husband, wife, child, or step-child. DA form 052 entitled “REQUEST FOR LEAVE OF ABSENCE” shall be used.

1.5.4. Witness leave with pay shall be authorized if a civil subpoena has been properly issued and served for an Inspector's attendance as a witness. DA form 052 entitled “REQUEST FOR LEAVE OF ABSENCE” shall be used. Any other type of appearance (other than a witness) shall be detailed to the Chief of Inspectors.

1.5.5. Any Inspector who receives witness leave with pay, and who receives a deposit of fees for their appearance, shall surrender those fees to the County Treasurer. An Inspector, who receives witness leave with pay and a fee for attendance without surrendering it, shall be subject to disciplinary action.

1.6. **Authorized Equipment**

1.6.1. While on duty Inspectors shall carry the following equipment at all times.

1.6.2. Duty Weapon: A firearm, approved by the Chief of Inspectors, which shall be fully loaded at all times while on duty, with one additional fully loaded spare magazine. Duty weapons must be secured in a hip holster as used during firearms qualification. Shoulder holsters, fanny packs, ankle holsters and purses shall not be used for carrying duty weapons.
1.6.3. Ammunition: Office issued only.
1.6.4. Handcuffs and handcuff key.

1.6.5. Office issue or Office approved badge and official identification card.

1.6.6. Any Inspector not carrying the proper equipment may be subject to disciplinary action at the discretion of the Chief of Inspectors.

1.6.7. Any loss or theft of equipment shall be immediately reported in writing to the Chief of Inspectors through the chain of command.

1.6.8. The Inspectors’ Division maintains "special" equipment such as shotguns, and semi-automatic weapons. Authorization for the use of this "special" equipment must be obtained from the Chief of Inspectors, Assistant Chief of Inspectors or the Captain of Inspectors.

1.6.9. Any deviation of this section due to a special duty assignment must be approved via the Chain of Command.

1.7. Issued Equipment

1.7.1. The following equipment shall be issued to each Inspector: badge, I.D. card, OC spray, raid jacket and hat, office key, security card key, personal card for county gasoline, and a county vehicle.

1.7.2. All Inspectors shall maintain their issued equipment and report any damage, loss, or theft of equipment to the Chief of Inspectors via the chain of command. The reporting shall be done in writing and in a timely manner. Failure to do so may result in disciplinary action at the discretion of the Chief of Inspectors.

1.7.3. The Assistant Chief of Inspectors or the Captain of Inspectors shall issue and maintain records of all issued equipment.

1.7.4. All requests for new equipment, replacement, repair, or salvage of equipment shall be submitted in writing to the Chief of Inspectors for approval and requisition.

1.7.5. All County and office-issued equipment assigned to an Inspector shall be surrendered when terminated, retired, or upon request by the Chief of Inspectors, Assistant Chief of Inspectors or the Captain of Inspectors.

1.8. Disciplinary Actions

1.8.1. Disciplinary action in the form of a verbal warning regarding an area for needed improvement or a minor infraction shall be documented and discussed with the Inspector by their supervisor.
1.8.2. A written reprimand is a memorandum from the Chief of Inspectors noting the need for improvement in work habits or violations of policy. A written reprimand shall detail the potential for more serious discipline if there are subsequent offenses or performance fails to reflect improvement. The subject receiving the written reprimand shall acknowledge receipt by signing the original. The subject being disciplined will be given the original and a copy of the signed document will be placed in the subject’s personnel file.

1.8.3. Administrative leave with pay pending an investigation may be implemented by the Chief of Inspectors or a designee with the approval of the District Attorney.

1.8.4. A suspension without pay pending an investigation, or as a disciplinary step, may be implemented by the Chief of Inspectors or a designee with the approval of the District Attorney.

1.8.5. A reduction in pay step, rank, or seniority may be implemented by the Chief of Inspectors with the approval of the District Attorney.

1.8.6. A termination of employment may be implemented by the Chief of Inspectors with the approval of the District Attorney.

1.8.7. All forms of disciplinary action taken by the Chief of Inspectors shall be in accordance with the approval and policy of the District Attorney. All disciplinary actions shall be documented in the personnel file.

1.8.8. All disciplinary actions shall be fully evaluated and the severity of the offense shall be considered by the Chief of Inspectors. Final approval for the action shall come from the District Attorney.

1.8.9. The District Attorney, Chief Assistant District Attorney, Chief of Inspectors, or their designee, has the authority to impose administrative leave until the next business day against any Inspector of the Division when it appears such action is in the best interest of the Office of the District Attorney.

1.8.10. Any Inspector placed on administrative leave shall be required to report to the Chief of Inspectors or his/her designee on the next business day at 8:30 am unless otherwise directed by competent authority. The command level person imposing the leave shall also report to the Chief of Inspectors.

2. PERSONNEL POLICY
2.1. Professional Conduct
2.1.1. All Inspectors are required to be truthful at all times whether under oath or not.

2.1.2. All Inspectors shall conduct their private and professional lives in such a manner as to avoid bringing disrepute upon the Office of the District Attorney.

2.1.3. All Inspectors shall maintain a loyalty to the Office of the District Attorney and its members as is consistent with the law and personal ethics.

2.1.4. All Inspectors shall take appropriate official action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

2.1.5. Failure or deliberate refusal of any Inspector to obey a lawful order given by a supervisor shall be insubordination. Ridicule of supervisors or their orders whether in or out of their presence is also insubordination.

2.1.6. Any Inspector in doubt as to the nature or details of their assignment shall seek clarity from their supervisor and through the chain of command as necessary.

2.1.7. All Inspectors shall be familiar with laws, ordinances, and policies and procedures of the District Attorney's Office. In the event of improper action or breach of discipline by an Inspector, they will be presumed to have been familiar with the law, ordinances or policy in question.

2.1.8. All Inspectors shall perform their duties as required by law, rule, policy, directive, or order from a supervisor.

2.1.9. All Inspectors shall observe and obey all federal and state laws, local ordinances, all rules and policies of the Office of the District Attorney, and all administrative orders issued by, or on behalf, of the Chief of Inspectors.

2.1.10. Any Inspector having knowledge of others violating the law, a family member arrested, or a conflict in any case shall report the violation, arrest, or conflict to the Chief of Inspectors.

2.1.11. All Inspectors shall report to their immediate supervisor any misconduct on the part of any Inspector or other employee of the District Attorney’s Office.
2.1.12. All Inspectors shall treat their supervisors, subordinates, Deputy District Attorneys, and peers with dignity and respect. They shall, at all times, remain courteous and civil in their relationship with one another.

2.1.13. All Inspectors shall treat members of the public with dignity and respect. They shall remain courteous and civil at all times in their relationship with the public.

2.1.14. No Inspector shall discriminate against another member or another person. Nor shall any Inspector make derogatory, racial, ethnic, sexual, or religious remarks against or about other persons.

2.1.15. Any order given to an Inspector by a supervisor shall be given in a clear and understandable manner, civil in tone, and issued in pursuit of the Inspectors’ Division goals and objectives.

2.1.16. No supervisor shall knowingly issue any order in violation of any law, ordinance, or against office policy.

2.1.17. No Inspector shall be required to obey any order which is contrary to any law. Responsibility for the refusal to obey an unlawful order rests with the Inspector.

2.1.18. Inspectors who are given an order they feel to be unjust or contrary to rules or policies must first obey the order to the best of their ability; then proceed to the next higher chain of command for clarity or appeal.

2.1.19. Any Inspector who receives an unlawful, unjust, or improper order shall report in writing the matter to the next higher level in the chain of command.

2.1.20. Inspectors shall not accept or solicit gifts, gratuities, fees, rewards, or anything of value arising from or offered because of their employment with the District Attorney's Office or the performance of their duties.

2.1.21. No Inspector shall use any drug, narcotic, or other controlled substance unless prescribed by a physician or dentist. Alcoholic beverages shall not be consumed while on duty unless authorized and in the performance of duty or special assignment.

2.1.22. All Inspectors shall record their current and correct address and telephone number with the Captain of Inspectors, through the chain of command. Any address and/or telephone change shall be reported within 24 hours. The Administrative Captain of Inspectors shall
INSPECTORS’ DIVISION POLICY MANUAL

maintain records of addresses and telephone numbers.
2.1.23. Any Inspector who personally knows a defendant on trial shall notify the Chief of Inspectors via the chain of command. The Deputy District Attorney handling the case shall be notified, unless advised otherwise by the Chief of Inspectors, District Attorney, or Chief Assistant District Attorney. The term "personally" is defined as "beyond a mere acquaintance".

2.2. Public Activity

2.2.1. Inspectors shall not seek personal publicity in the course of performing their duty.

2.2.2. Any request for a public appearance, speech, demonstration, etc. by an Inspector must be made to, and authorized by the Chief of Inspectors. In the absence of the Chief of Inspectors, the Captain of Inspectors may handle the request. The requesting party shall be required to submit a written formal request outlining the purpose and scope of the event. This shall apply whether on or off duty and whether office related.

2.2.3. Any request to participate on any type of personnel or oral interview board or panel shall be directed to the Chief of Inspectors in a written formal request by the party or agency making the request.

2.2.4. All Inspectors shall submit a written request and receive approval from the Chief of Inspectors prior to engaging in any outside employment or business.

2.3. Attire/Personal Appearance

2.3.1. All Inspectors employed by the District Attorney’s Office are full-time peace officers, and as such, may be required to affect arrests or apprehend suspect(s) and routinely appear in public and in court. Therefore, their attire shall be appropriate to perform these functions safely.

2.3.2. Inspectors are required to wear business attire and to appear professional, conservative, and neat. Any eccentric attire, hair style or jewelry is not permitted. Occasionally, it may be necessary to wear clothing more suited for an assignment, special detail or training.

2.3.3. Inspectors are not authorized to have a beard unless prescribed by a physician. A beard may be authorized due to a special assignment.

2.3.4. The wearing of jewelry that may pose a hazard during the Inspector’s performance of their duties is prohibited. Facial jewelry or piercing shall not be worn while on duty. Earrings shall be limited to one earring per ear lobe.
INSPECTORS’ DIVISION POLICY MANUAL

2.3.5. Tattoos on the face, neck and arms must not be visible while on duty.

2.3.6. Any deviation from this policy must be approved by the Chief of Inspectors.

3. USE OF FORCE

3.1. Purpose

3.1.1. To provide guidelines to Inspectors (sworn peace officers) on the use of force in the performance of their official duties.

3.1.2. The Alameda County District Attorney’s Office (henceforth referred to as “the Office”) recognizes that even at its lowest levels, the use of force is a serious organizational and individual responsibility. While there is no way to specify the exact amount or type of force to be applied in any given situation, every inspector is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

3.2. Policy

3.2.1. The Office recognizes and respects the value of human life and dignity. Vesting Inspectors with authority to use force to protect the public welfare requires a careful balancing of all human interests. Inspectors must have an understanding of, and true appreciation for, the limitations of their authority, particularly with respect to overcoming resistance from those with whom they come in official contact.

3.2.2. It is the policy of this Office that Inspectors shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event.

3.2.3. "Reasonableness" of the use of force will be determined from the perspective of a reasonable officer on the scene at the time of the incident and without 20/20 hindsight. Any evaluation of reasonableness of force must allow for the fact Inspectors are often forced to make split-second decisions about the amount of force that is objectively reasonable in a particular situation, with limited information, and in circumstances that are tense, uncertain, and rapidly evolving.

3.2.4. Any Inspector present and observing another peace officer using force that is clearly beyond that which is objectively reasonable shall, when in a position to do so, intercede to prevent the use of unreasonable force. In addition, at the conclusion of such an incident, the observing Inspector shall promptly report the incident to the observing Inspector’s supervisor or commander.
3.3. Definitions

Definitions relating to this policy include:

3.3.1. FORCE OPTION: a method or type of force that an Inspector may employ on a subject. These options range from control holds (at the lowest end of options) to engagement with firearms (at the highest end of options).

3.3.2. LESS LETHAL FORCE: that force which is unlikely, when properly used, to result in serious physical injury or death.

3.3.3. DEADLY FORCE: that force that creates a substantial risk of causing serious bodily injury or death.

3.3.4. REPORTABLE USE OF FORCE: force (specifically defined later in this policy) that shall be documented in an Inspector’s Report. Reportable uses of force may also require various degrees of investigation by supervisors and/or commanders.

3.3.5. SERIOUS BODILY INJURY: A serious impairment of physical condition, including but not limited to:

a. Loss of consciousness

b. Concussion

c. Bone fracture

d. Protracted loss, impairment, or function of any bodily member or organ

e. Wound requiring extensive suturing

f. Serious disfigurement

3.3.6. USE OF FORCE: any physical or mechanical intervention used by an Inspector to defend, control, overpower, restrain, or overcome a subject.

3.3.7. IMMINENT THREAT OF SERIOUS BODILY INJURY OR DEATH: when an objectively reasonable Inspector, given the totality of circumstances, perceives that a subject possesses the opportunity, ability, and intent to inflict such injury on the Inspector or another person unless the Inspector employs deadly force without delay to stop the subject’s anticipated or ongoing actions.

3.4. Legal Authority (Force)
3.4.1. Legal authority and considerations for the use of force:

a. California Penal Code Section 196. "Homicide is justifiable when committed by peace officers under circumstances that include when the homicide results from a peace officer’s use of force that is in compliance with Section 835a PC."

b. California Penal Code Section 835a (b) – “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.”

c. California Penal Code Section 835a (c) – “. . . a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.”

d. California Penal Code Section 835a (d) “A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force . . . to effect the arrest or to prevent escape or to overcome resistance.”

e. California Penal Code Section 843 – “When the arrest being made by an officer is under the authority of a warrant, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all necessary means to effect the arrest.”

f. California Penal Code Section 149 - Assault By Public Officer: "Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by imprisonment in the county jail as a felony for up to three years or as a misdemeanor for up to one year.”

g. Tennessee v. Garner (471 U.S. 1 [1985]): This United States Supreme Court case requires for the use of deadly force against a fleeing felon to be legal, the felony must be of a violent variety, i.e., a forcible and atrocious one which threatens death or serious bodily harm to you or
another, and the need to overcome the resistance of the fleeing felon must outweigh the intrusiveness of the force.

h. Graham v. Connor, 490 U.S. 386 (1989): This United States Supreme Court case determined that an objective reasonableness standard should apply to a civilian's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other "seizure" of his person. The court also stated that the "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

3.5. Totality of Circumstances and Objective Reasonableness Factors

3.5.1. When determining whether to apply force, or when evaluating whether such force was objectively reasonable under the totality of circumstances (i.e. the Graham Standard), one must consider the facts and factors known to Inspectors at the time force was applied. These factors and facts include, but are not limited to:

a. The severity of the crime.
b. Immediacy and severity of the threat to Inspectors and others.
c. The active resistance presented by the subject.
d. The subject’s attempts to evade arrest by flight.
e. The conduct of the individual being confronted, as reasonably perceived by the Inspector at the time.
f. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).
g. The effects of drugs or alcohol.
h. Subject’s mental state or capacity.
i. Proximity of weapons or dangerous objects that could be used weapons.
j. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
k. The availability of other force options and their possible effectiveness.
l. The training and experience of the Inspector.
m. Potential for injury to Inspectors, other officers, subjects or citizens.
n. The risk and foreseeable consequences of escape.
INSPECTORS’ DIVISION POLICY MANUAL

3.5. The apparent need for immediate control of the subject or a prompt resolution to the situation.

p. Whether the conduct of the subject being confronted no longer reasonably appears to pose an imminent threat to others.

q. Prior contacts with the subject and the Inspector’s awareness of any propensity for violence.

r. Environmental factors.

s. Any other exigent circumstances.

3.6. Less Lethal Force

3.6.1. Less lethal force may be employed, when objectively reasonable, to effect arrests, prevent escape, or overcome resistance. The following provides a list of authorized less lethal force options:

3.6.2. Control Holds. These holds include, but are not limited to:

a. Escorts (holding subject’s arm/elbow)

b. Twist lock

c. Arm-bars

d. Bent-wrists

3.6.3. Weaponless Defense Techniques. These techniques include, but are not limited to:

a. Non-striking techniques applied to vulnerable areas (e.g. hair grabs, pressure point applications, etc.)

b. Hand/palm/elbow strikes

c. Kicks (reasonably avoid the following target areas: head, neck, throat, groin, kidney, xiphoid process areas and the heart)

d. Leg Sweeps

e. Takedowns

Note: The Carotid Restraint is not an authorized less lethal force option.

3.6.4. Chemical Weapons. The only chemical weapons authorized are OC sprays, as detailed in Section 5.1 OC Spray.
3.6.5. Impact Weapons

a. Expandable Baton Strikes (reasonably avoid the following target areas: head, neck, throat, groin, kidney, xiphoid process areas and the heart). Only those Inspectors who have received training in the use of the expandable baton may carry this less lethal weapon. This policy does not authorize the use of other law enforcement-type impact weapons (e.g. long baton, short baton, saps, etc.) except as indicated in paragraph 3.7.5.c. below.

b. Impromptu Impact Weapons. Impromptu impact weapons may only be employed as less lethal force options when reasonable alternatives have been exhausted, are unavailable, or are impractical.

3.7. Deadly Force

3.7.1. Inspectors may use deadly force to defend against an imminent threat of death or serious bodily injury to the Inspector or to another person. Inspectors shall not use deadly force against a person solely based on the danger that person poses to themselves.

3.7.2. Inspectors may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

3.7.3. Inspectors should avoid shooting at moving vehicles that pose an imminent threat of death or serious bodily injury to themselves or others; instead they should attempt to move out of the path of the approaching vehicle. An Inspector should only shoot at a moving vehicle when he/she reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the Inspector or others. Inspectors should not shoot at any part of a vehicle in an attempt to disable the vehicle.

3.7.4. Inspectors are not authorized to fire warning shots.

3.7.5. Deadly Force Options include, but are not limited to the following:

a. Discharge of a firearm with lethal ammunition (whether or not the bullet impacts the subject)

b. Expandable Baton strikes to the head

c. Impromptu Weapons/Techniques. Impromptu weapons may only be
employed as deadly force options when firearms and expandable baton strikes to the head have been exhausted, are unavailable, or are impractical.

3.8. **Verbal Warnings.**

a. Where feasible, prior to using chemical or impact weapon less lethal force, or any type of deadly force, Inspectors shall make reasonable efforts to identify themselves as a peace officer and to warn that such force may be used, unless the Inspector has objectively reasonable grounds to believe the person is aware of those facts.

3.9. **De-escalation**

3.9.1. When confronted with situations in which force (either less lethal or deadly) may have to be used, Inspectors are expected to reasonably employ de-escalation methods to minimize (or preclude) the force used.

3.9.2. Employing de-escalation methods serves to slow the operational tempo, increase officer safety, and enhance tactical advantage. These benefits tend to reduce stress levels and thereby create opportunities for better decision-making on the part of all involved. Notwithstanding its benefits, de-escalation during force encounters is not a goal in and of itself, but merely a means to making tactical decisions that increase the chances of minimizing uses of force.

3.9.3. De-escalation methods include, but are not limited to:

a. Communicating with the subject to gain compliance and/or to obtain extra time to accomplish the same.

b. Creating distance from the subject in order to safeguard innocents and Inspectors/other peace officers.

c. Using barriers between the subject and Inspectors in order to safeguard innocents and Inspectors/other peace officers.

d. Bringing additional Inspectors and outside agency peace officers to the scene to provide numerically superiority and thus gain the subject’s compliance.

e. Bringing outside agency peace officers with supplemental resources (e.g. less lethal options, armored vehicles, air support, etc.) to the scene to allow for force options short of deadly force.

f. Repositioning Inspectors/other peace officers to gain tactical advantage and/or to allow for the use of less lethal force on the subject.
3.10. **Post-Use of Force Medical Aid**

3.10.1. In the event an Inspector uses OC spray or an impact weapon on a subject, or if an Inspector uses any force on a subject and there is a visible injury or complaint of pain, medical personnel (ambulance or fire department) shall be called to the scene to provide medical treatment. Before medical personnel arrive, Inspectors should attempt to provide first aid/CPR, providing the scene is secure.

3.10.2. If deemed necessary by the Inspector or emergency personnel, the subject shall be transported, as soon as possible, via appropriate ambulance to a medical facility for additional medical treatment.

3.10.3. Subjects sprayed with OC shall:

3.8.3. Subjects sprayed with OC shall:

   a. Be removed from the contaminated area as quickly as possible.

   b. Be monitored visually as frequently as physically possible during field detention, arrest and transportation to ensure that they do not experience breathing difficulty.

   c. Have their eyes and face thoroughly washed with clear water as soon as possible.

3.8.4. Inspectors are prohibited from securing a subject by binding his/her hands and feet together behind the back in a "hog-tying" fashion and/or transporting them on their stomach in a vehicle.

3.8.5. During a field detention, transportation and custodial restraint situations, subjects shall be positioned so that they do not experience breathing difficulty. This is especially important if a subject has been sprayed with OC and/or is suspected of being under the influence of drugs or alcohol. It is critical to closely monitor subjects who are experiencing breathing difficulty and to get them immediate medical attention as soon as possible.

3.11. **Post-Use of Force Reporting/Investigation Responsibilities**

3.11.1. All uses of force resulting in either injury or a reasonable complaint of injury require reporting and force investigation procedures as outlined below.

   a. Less Lethal force consisting of control holds and/or handcuffing for the purpose of escorting that do not result in either injury or a reasonable complaint of injury, are not reportable uses of force, and thus do not require either reporting or force investigations.

   b. All non-Control Hold Less Lethal uses of force, as well as all lethal
uses of force, shall require reporting and force investigation procedures as outlined below.

3.11.2. Less Lethal Force. Reporting and investigation responsibilities for less lethal force are as follows:

a. Inspectors’ Responsibilities:

b. Summon and/or perform medical aid as detailed in section 3.7.2

c. Notify and brief their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, another supervisor or commander shall be notified.

3.11.3. Inspector(s) employing the use of force shall complete and submit an Inspector’s Report to his/her immediate supervisor prior to the end of the work day. In their reports, Inspector(s) employing the use of force shall document the original reason for Inspector presence at the scene; the circumstances that resulted in the use of force; and a detailed description of the force used.

3.11.4. Inspector(s) witnessing the use of force shall also complete and submit an Inspector’s Report to his/her immediate supervisor prior to the end of the work day. In their reports, Inspector(s) witnessing the use of force shall provide a detailed description of their observations of the force used.

3.11.5. Supervisors’ Responsibilities:

a. Respond to the location of the use of force incident, unless community unrest or other conditions make such response impracticable.

b. Secure and manage the scene, coordinating the apprehension of the suspect, if still outstanding.

c. Ensure uninvolved Inspectors conduct a scene canvas in an effort to identify and obtain statements from other witnesses in the proximity of the use of force incident.

d. Ensure digital photographs are taken of the physical condition of the subject and involved Inspector(s), to record the presence or lack of injuries, the location of the use of force incident, and other relevant evidence.

e. No later than seven calendar days following the incident, review all Inspector Report(s), statements, and any other available evidence to determine if the use of force was within policy, and provide the determination to the Assistant Chief of Inspectors.

f. The Assistant Chief of Inspectors, upon review of the less lethal use of force incident, may elect to convene a use of force review board.
3.11.6. Deadly Force. Preliminary and follow-up investigations involving deadly uses of force employed by Inspectors shall be turned over to the agency having law enforcement jurisdiction at the location in which the use of force occurred.

3.11.7. Inspectors involved in the use of deadly force shall provide a Public Safety Statement to the first responding supervisor and/or commander.

3.11.8. Inspectors involved in the use of deadly force shall refrain from discussing the incident with others, with the exception of discussions needed to apprehend the outstanding suspect(s) and assist with the investigation.

3.11.9. Inspectors involved in the use of deadly force shall be allowed to choose their own Peer support Inspector.

3.11.10. Inspector(s) witnessing the use of force shall also refrain from discussing the incident with others, with the exception of discussions needed to apprehend the outstanding suspect(s) and assist with the investigation. When directed to do so, witness Inspector(s) shall respond from the incident location to the designated interview location (Note: witness Inspector(s) will be interviewed in lieu of writing an Inspector’s Report).

3.11.11. Inspector(s) who are either at the scene of the use of force, or subsequently respond to the scene of the use of force, but who neither used the force nor witnessed the force, shall assist in the preliminary investigation at the scene of the incident. Upon relief, such Inspector(s) shall complete and submit an Inspector’s Report to his/her immediate supervisor prior to the end of the work day.

3.11.12. Supervisors’ Responsibilities:

a. Respond to the location of the use of force incident.

b. Obtain Public Safety Statement from Inspector(s) who used deadly force.

c. Secure and manage the scene, until properly relieved by peace officers from the jurisdiction in which the use of force occurred.

d. Ensure Inspector(s) who employed the force are separated and each assigned non-witness Inspector(s), to provide peer support. Peer support Inspectors shall be directed to transport their involved Inspectors from the incident location to the designated interview location (this transportation should be accomplished as soon as reasonably possible). The firearms of Inspector(s) who employed the force should not be recovered at the incident scene.

f. Make the following telephonic notifications: Watch Commander in
3.11.13. Chief of Inspectors/Commanders’ Responsibilities:

a. Coordinate with commanders of law enforcement having jurisdiction at the location in which the use of force occurred. Provide support to their preliminary and follow-up investigation as necessary.

b. Place the Inspector(s) who employed the use of force on at least three (3) days of paid administrative leave, or whatever reasonable amount of time the Inspector(s) require to recover from the incident.

c. Provide a Management Referral to a designated licensed mental health professional to any Inspector(s) using force or witnessing the same. Advise the applicable Inspector(s) that attendance is mandatory and encourage the member to participate.

d. No later than sixty (60) calendar days following the incident, the Chief of Inspectors shall convene a board to review the incident. Publish findings no later than thirty (30) days following the completion of the board hearings. Findings should determine: whether or not the deadly use of force was within policy, training issues, and recommendations for awards or corrective action.

3.12. Discharge of Firearm

3.12.1. Inspectors who discharge a firearm, whether in the performance of their duty or accidentally, on or off duty shall, as soon as possible, report the discharge to the Chief of Inspectors via the chain of command. The reporting shall include all details of the incident.

3.12.2. An accidental weapon discharge on the range shall be reported to the Range Master.

3.12.3. A firearm shall not be discharged in a negligent manner.

4. HANDLING OF FIREARMS

4.1 Handling/Storage of Firearms

4.1.1 Any unattended firearm left in a desk, file cabinet, or similar location shall be secured properly.

4.1.2. Firearms shall not be displayed, exhibited, or handled, in any manner that could be determined to be unsafe, the use of poor judgment, or in a
threatening manner.

4.1.3. Firearms shall not be “dry fired” in any office, restroom, or similar area not authorized for such purpose.

4.1.4. At their discretion, Inspectors may temporarily store their firearm in the trunk of a county vehicle. The firearm shall be removed from the trunk as soon as possible. A firearm will not be stored in the trunk of a county vehicle overnight.

4.1.5. All Inspectors’ firearm shall be cleaned on a regular basis and maintained in good working order at all times.

4.2. Purchase of Firearm

4.2.1. All newly purchased firearms for duty shall be the type authorized by the Chief of Inspectors. The duty weapon shall be no smaller than a .9mm or .38 caliber and shall be from a reputable manufacturer (i.e. Smith & Wesson, Colt, Beretta, Sig-Sauer).

4.2.2. All Inspectors who purchase a new duty firearm shall qualify with that weapon under the direction of the range master. The qualification shall take place prior to carrying the weapon.

4.2.3. All letters authorizing the purchase of a specific type of firearm shall be issued by the Chief of Inspectors.

4.3. Sale of Firearm

4.2.1. Any sale of a firearm by an Inspector shall comply with current laws regarding the "sale of firearms."

4.4. Off Duty Firearm

4.4.1. All Inspectors shall be required to demonstrate they are familiar with the safe handling and use of their off-duty firearm, if different from their duty firearm. Inspectors shall be required to demonstrate to the Rangemaster their ability to handle the off-duty weapon safely. This does not apply to hunting rifles, etc.

5. USE OF AEROSOL OLEORESIN CAPSICUM (AKA: OC SPRAY)

5.1. OC Spray

5.1.1. OC is an aerosol irritant authorized for use by Inspectors of the Alameda County District Attorney's Office. Inspectors may carry and use OC spray only after completing required training.
5.1.2. Inspectors may carry personally owned OC spray meeting the following criteria:

a. Must be manufactured by First Defense.

b. Must be Models MK-4, MK-6 or MK-8.

5.1.3. OC spray shall be stored in a safe and secure condition. When carried on one's person the OC spray should be concealed from the view of a potential attacker, yet in a position allowing immediate deployment, whenever possible.

5.1.4. When OC spray is used on a person, Inspectors shall provide the exposed subject with an opportunity to decontaminate as soon as such an activity is both safe and practical. The exposed subject should be handcuffed, moved to uncontaminated air, and told to breathe normally after the exposure. Inspector safety shall not be sacrificed to facilitate decontamination. Inspectors shall closely monitor the breathing of any subject exposed to OC spray.

5.1.5. If a local law enforcement agency is not present, every effort shall be made to contact them as soon as practical to inform them of the situation and prior to transporting any contaminated subjects from the scene. Immediately after notifying local law enforcement, the Inspector shall notify their immediate supervisor.

5.1.6. All OC contaminated subjects should be transported via a cage police vehicle. In the event a cage vehicle is unavailable, use of a county vehicle is authorized.

5.1.7. Whenever OC spray is used for any reason, other than formal training, its use must be clearly documented in an Inspector's report. In the event of an arrest, a report shall be completed in a timely manner. The reports shall be forwarded to the Chief of Inspectors through the chain of command.

5.1.8. Carrying OC spray aboard an aircraft is prohibited by FAA regulations.

5.1.9. After any use, the OC spray canister, whether department issued or personally owned, shall be turned in to the Assistant Chief of Inspectors. A new department issued canister will be issued to the Inspector.

6. VEHICLE POLICY

6.1. Use of County Vehicle
6.1.1. It shall be the responsibility of all Inspectors to familiarize themselves with the County ordinance entitled "USE OF COUNTY-OWNED MOTOR VEHICLE."
6.1.2. All Inspectors shall maintain and carry a valid California Driver’s License. Any Inspector who does not have a valid license, for any reason, shall immediately notify the Chief of Inspectors.

6.1.3. An assigned county vehicle shall only be used for conducting official county business. The Inspector and vehicle shall be available on a 24 hour basis. This availability shall be for both inter and intra Unit 24 hour response as directed by the District Attorney, Chief Assistant District Attorney, or the Chief of Inspectors.

6.1.4. The vehicle assigned to each Inspector shall be equipped with a police radio, red emergency light, police siren, first-aid kit, fire extinguisher, and disaster kit. It shall also be designated an Emergency Vehicle.

6.1.5. Vehicles will be assigned according to the needs of the Inspector’s Division and final approval of the Chief of Inspectors.

6.1.6. All Inspectors shall keep their assigned county vehicle clean and mechanically safe. The vehicle shall be serviced according to the predesignated dates or mileage set by the county garage. All vehicles shall be operated in a safe and lawful manner. Smoking in county vehicles is prohibited.

6.1.7. All County Vehicles shall be afforded the maximum protection against theft, vandalism, damage, and the elements by placing such vehicle in a garage or carport if available. The minimum of such protection shall be assurance the vehicle is off-street parked when not in use.

6.1.8. The Inspector assigned to a designated vehicle is the only authorized driver of that vehicle. If the assigned Inspector is not using their vehicle, or for some reason wants to authorize another Inspector to use it, they may do so. Assigned Inspectors may authorize a Deputy District Attorney to use their vehicle for official business.

6.1.9. Inspectors cannot authorize any other person (including support personnel) to use their vehicle. Any questions shall be directed to the Captain of Inspectors.

6.1.10. Inspectors who are off duty for more than two (2) consecutive work days shall turn their car in to the county garage. The vehicle shall be parked on the top floor of Alco-Park unless instructed otherwise. The keys shall be delivered to the "vehicle coordinator." Any variance in this policy shall require prior approval by the Chief of Inspectors or the Captain of Inspectors.
6.1.11. Inspectors who are medically designated to a “restricted duty” status are not to be assigned or operate county vehicles. The assigned vehicle shall be parked at ALCO garage in accordance with Section 6.1.10.

6.1.12. Each set of keys to an assigned county vehicle shall have a vehicle number tag attached to the key ring. The vehicle number tag shall not be removed.

6.2. Vehicle Maintenance

6.2.1. All emergency equipment shall be properly maintained. Any repairs shall be sought in a timely manner.

6.2.2. Any mechanical defect shall be reported to the "vehicle coordinator" at the Rene C. Davidson Courthouse and the supervisor of the county garage, as soon as possible, to insure proper maintenance.

6.2.3. Any use of another Inspector's vehicle (i.e. vacation), while awaiting repairs or maintenance, shall be authorized by the assigned "vehicle coordinator" at the Rene C. Davidson Courthouse.

6.3. Radio Repair/Installation

6.3.1. All radio repairs or installations shall be arranged by the Captain of Inspectors or the designee. All records pertaining to radio repairs or installations shall be maintained by the Captain of Inspectors.

6.3.2. Each Inspector who has received radio repairs or installation shall sign county GSA form 160-3b at the radio shop, and return the gold copy to the Captain of Inspectors.

6.4. Vehicle Check Out

6.4.1. Prior to checking out any vehicle at the county garage, the "vehicle coordinator" shall be consulted. The "vehicle coordinator" shall designate which vehicle will be used.

6.4.2. In the event a vehicle is not available, the "vehicle coordinator" may authorize the use of an "E" plate vehicle. The garage supervisor shall be contacted by the "vehicle coordinator" authorizing same. Beginning and ending mileage shall be noted on the assigned computer card issued by the garage and returned after use of the vehicle.

6.4.3. At no time shall a county vehicle be removed from the county garage without the approval of the "vehicle coordinator" or authorized by the Captain of Inspectors or Lieutenant of
Inspectors.
6.4.4. Any county vehicle checked out by a Deputy District Attorney for "overnight" use shall be authorized by one of the designated personnel.

6.5. **Gasoline Credit Card**

6.5.1. The Captain of Inspectors shall maintain a county gasoline credit card for authorized use on extended "out of county" investigations.

6.5.2. The county garage will maintain a gasoline credit card for the same purpose.

6.5.3. All Inspectors shall seek authorization for use of the gasoline credit card through their immediate supervisor. The request for authorized use shall include destination, time period and purpose.

6.5.4. All Inspectors shall return the gasoline credit card to the Captain of Inspectors as soon as possible upon their return. If the county garage credit card was authorized, then it shall be returned to the garage as soon as possible.

6.6. **Airport Parking Pass**

6.6.1. A Captain of Inspectors may arrange an airport parking pass for the purpose of designated parking at the Oakland Airport during the performance of official business.

6.6.2. The airport parking pass shall be displayed on the rear-view mirror of the county vehicle while parked in the designated area.

6.7. **Emergency Repairs**

6.7.1. The county garage will maintain an "on-call" mechanic twenty-four (24) hours a day, seven days a week. The "on-call" mechanic can be reached through Sheriff’s radio after hours, weekends, or holidays. During normal work hours the mechanic can be reached through the county garage.

6.7.2. In the event emergency repairs are necessary, and/or the "on-call" mechanic cannot be reached, the following procedure shall be used:

6.7.3. If possible, secure and lock the vehicle in a safe location and notify the garage on the next work day.

6.7.4. If necessary and all attempts to reach the "on-call" mechanic have failed, purchase the needed part (i.e. fan belt, hose, tire) and save the receipt. The receipt shall be submitted to the supervisor of the county garage.
INSPECTORS’ DIVISION POLICY MANUAL

6.7.5. If out of county, the gasoline credit card may be used for "discretionary" repairs. The receipt shall be submitted to the supervisor of the county garage.

6.7.6. If possible, whether in or out of the county, contact the supervisor of the county garage prior to any repairs.

6.7.7. If none of the above is possible, the vehicle shall be towed to the nearest county facility or other location for safe keeping. The supervisor of the county garage shall be contacted at the earliest possible time.

6.8. Vehicle Accidents/Damage

6.8.1. All accidents and/or damages involving a county vehicle shall be reported immediately to an Inspector's supervisor. The supervisor shall notify the chain of command insuring the Chief of Inspectors is advised.

6.8.2. All county vehicle accidents shall be reported on county form 140-C-3 entitled "VEHICLE ACCIDENT OR PROPERTY DAMAGE REPORT" within 24 hours of the accident. Form 140-C-3 shall be completed and submitted along with five copies to an Inspector's immediate supervisor. The report and copies shall be delivered to the Captain of Inspectors within 24 hours following the accident.

6.8.3. An Inspector involved in an accident while on duty shall advise the investigating traffic officer, if any, the county is "self-insured," the vehicle is an "emergency vehicle," and the driver (Inspector) is a peace officer.

6.8.4. An Inspector involved in an accident which renders the county vehicle "not drivable," shall notify the supervisor of the county garage, or in their absence, the assigned mechanic on duty, in order to arrange tow and storage.

6.9. County Vehicle Parking

6.9.1. Inspectors shall park their county vehicles in the designated areas of Fallon, Oak, 12th, or 13th Streets. A District Attorney's county vehicle shall not be parked in any bus zone, red zone, fire hydrant zone, or other designated "no parking" area around the Rene C. Davidson Courthouse.

6.9.2. All vehicles needing service shall be parked in the facility where the service is to occur. The vehicle keys shall remain with the car.
6.9.3. All vehicles left at the county garage for vacation, days off, exchange, or any other purpose, shall be parked on the 9th floor of the garage. The keys shall be delivered immediately to the "vehicle coordinator." The Inspector shall advise the “vehicle coordinator” of their return. Any deviation from this parking policy shall be discussed with the Captain of Inspectors.

6.9.4. It shall be the responsibility of each Inspector to familiarize themselves with all parking policies.

6.10. Vehicle Driver Card

6.10.1. All Inspectors shall be assigned a vehicle driver card (blue) by the Captain of Inspectors at the time of their appointment to the District Attorney’s Office. The vehicle driver card shall be used to obtain county gasoline at one of the designated automatic fuel dispensing facilities operated by the county or to check out an "E" plate vehicle after authorization has been granted.

6.10.2. Inspectors shall be responsible for the safe keeping of their assigned card and shall be required to surrender it at the end of their appointment as an Inspector. All losses of the card shall be reported to the Captain of Inspectors.

6.11. Vehicle Card

6.11.1. All assigned vehicles shall have a vehicle card (green) issued with the vehicle. The vehicle card shall remain in the car if it is left for service, extended period of time (vacation), or if the vehicle is surrendered for any purpose.

6.11.2. If a vehicle card is lost, the assigned Inspector shall notify the Captain of Inspectors.

6.12. Proof of Insurance

6.12.1. Each county vehicle shall carry a “proof of liability" insurance card. The card shall be carried in the vehicle glove box. The cards shall be available through the Captain of Inspectors or the county garage supervisor.

6.13. Change of Vehicle

6.13.1. The vehicle assigned to an Inspector shall not be changed unless specifically authorized by the Captain of Inspectors.
6.13.2. An authorized vehicle change shall include new vehicles to the fleet, the surveying of fleet vehicles, long term repairs, or authorized budget changes of vehicles as directed by the Chief of Inspectors.


6.14.1. All vehicles turned in for vacation or time-off shall be delivered to the top floor of Alcopark on the last working day. The vehicle may not be picked up until the first day of return unless authorized by the Captain of Inspectors.

6.14.2. A vehicle shall not be scheduled for service while an Inspector is on vacation or other time off. All vehicle maintenance and repairs shall be conducted while an Inspector is working.

6.15. Vehicle Citations

6.15.1. The Inspector assigned to a county vehicle shall be responsible for any citations issued. Any citations issued to an Inspector while using a county vehicle shall be reported to the Captain of Inspectors.

6.16. Vehicle Pursuits (attachment, link)

6.17. Evidence Vehicles

6.17.1. Long-term vehicle storage (more than 30 days) for evidentiary purposes shall not be authorized absent, unusual, or otherwise compelling circumstances. If storage becomes essential, the responsible Inspector shall make arrangements to store the vehicle at a county or city owned facility to reduce expenses and notify the Captain of Inspectors.

6.17.2. Vehicles stored as evidence "on behalf of the District Attorney" beyond the period of initial police impoundment shall require written approval of the Chief of Inspectors, Division Chief, or Office Branch Manager. A copy of the written approval shall be forwarded to the Chief of Inspectors.

6.17.3. Storage in excess of 30 days, or accumulated fees in excess of $150.00, shall not be honored without the written approval of the District Attorney.

7. EXPENSE POLICY

7.1. Special Departmental Expense

7.1.1. DA form 026 entitled "SPECIAL DEPARTMENTAL EXPENSE" (blue tag) shall be used by all Inspectors when recovering funds
used "in the detection of crime." The form shall be completed in full, signed, and receipts attached, if required.
7.1.2. The monies for the Special Departmental Expense shall be maintained by the Trial Captain of Inspectors at the direction of the Chief of Inspectors. The Captain of Inspectors shall maintain records of all transactions.

7.1.13. Any expense in excess of $50.00 shall require a prior approval by the Assistant District Attorney in charge of trial preparation, or the Chief of Inspectors. The prior approval shall be requested using DA form entitled "PRE-APPROVAL WORKSHEET."

7.1.4. Reimbursement for meals or other expenses incurred by an Inspector shall be itemized on DA form 026 and submitted to the immediate supervisor who will forward the expense form to the Lieutenant of Inspectors.

7.1.5. An Inspector may be reimbursed for meals while working early, late, or on days off within the county at a dollar rate published by the county auditor. Contact your chain of command for the current rate schedule.

7.1.6. All Inspectors shall request prior approval for "out of county" investigations from their immediate supervisor. Inspector's shall inform their supervisor of their destination, purpose, and estimated return. Any overnight requests shall be approved through the chain of command.

7.1.7. Any request for "out of county" travel for an investigation will be made in a timely manner.

7.1.8. Any reimbursement may be subject to audit at any time by the county or this office. The audit may require more specific documentation and clarification regarding the expense.

7.2. Witness Expense Claim

7.2.1. DA form entitled "WITNESS EXPENSE CLAIM" (Green Tag) shall be used by all Inspectors when itemizing authorized monies given to a witness as a result of an ongoing trial, hearing, preliminary examination, etc. The form shall be completed in detail indicating the witnesses’ information and signature. This form shall be used for hardship cases only. Inspectors should discuss the reason for the “hardship” with their immediate supervisor prior to submitting the form to the Captain of Inspectors for dispersal.
7.2.2. DA form 110-102 “CLAIM FOR WITNESS FEES AND EXPENSES” (White Tag) shall be used in all cases where a witness is to be reimbursed for authorized expenditures such as witness fees, mileage, parking, meals, lodging, per diem, etc. This form shall be completed in detail by the Inspector, signed by the claimant, and submitted to the Captain of Inspectors. The form will be forwarded to the auditor/controller who will reimburse the witness.

7.3. Travel Expense (in-state)

7.3.1. Inspectors shall be allowed travel expenses for authorized travel representing the Office of the District Attorney. The travel may be case related or for training. Receipts shall be required for this type of travel. Itemization for office-authorized travel expenses shall be completed using county form 110-30 entitled "PERSONAL EXPENSE CLAIM" and submitted to the auditor/controller.

7.3.2. Travel within the nine Bay Area counties during normal work hours and days shall be authorized by the immediate supervisor. The travel shall be case related and required in the course of case investigation. Travel for any other purpose shall require approval from the chain of command.

7.4. Travel Expense (out-of-state)

7.4.1 Inspectors shall be allowed travel expenses for authorized training out of state representing the Office of the District Attorney. The travel shall be for job related training. Authorization from the County Administrator’s Office shall be required. County form entitled "Out-of-State Travel Approval Request" shall be completed and forwarded through the chain of command.

8. TRAINING POLICY

8.1. Training Responsibility

8.1.1. It shall be the responsibility of each Inspector to remain current and informed on legal issues, safety issues, and advanced investigative techniques. This shall be accomplished by attending training relevant to present assignment and the goals of the Inspectors Division.

8.2. Prior Approval
8.2.1. Inspectors shall obtain prior approval through the chain of command before any T.I.P. credited training is commenced. The request for approval shall include a copy of the course content, location, date and time, sponsor of the training, and hours or units.

8.2.2. All on-duty training shall be job/assignment related and require the approval of the chain of command.

8.2.3. The approval of training shall be at the discretion of the chain of command. The availability of the Inspector, work load of the Inspector, and other related information shall be considered prior to approval.

8.2.4. An Inspector may be required to pay any fees related to the training, unless they are being sent by the office.

8.2.5. All Inspectors shall use DA form entitled "Training Approval Form" to seek prior approval. The form shall be submitted to their immediate supervisor.

8.2.6. Authorization to use a county vehicle shall be obtained through the chain of command.

8.2.7. Any deviation in this policy shall be discussed with the chain of command and approval requested from the Chief of Inspectors.

8.3. Training Incentive Program (T.I.P.)

8.3.1. The Training Incentive Program (T.I.P.) is voluntary. Inspectors are not required to participate in the program. If an Inspector chooses not to participate in T.I.P., he/she is still required to adhere to section 8.1.1.

8.3.2. Sworn investigative personnel who choose to participate in the Training Incentive Program must complete a minimum 30 hours of training per fiscal year (Fiscal year is July 1 through June 30). The 30-hour minimum must be performed during "off duty" time.

8.3.3. Training received during the fiscal year will only be credited in that fiscal year.

8.3.4. Any "on-duty" training of 8 or more hours requires a Leave of Absence form for Educational Leave (with pay).

8.3.5. All Inspectors shall obtain prior approval before they engage in any T.I.P. training. DA form entitled "Training Approval Form" shall be used to seek approval. The completed form shall be submitted to the Training Captain for approval via the chain of command.
8.3.6. All training within T.I.P. shall be in compliance with the guidelines and content requirements as determined by the Chief of Inspectors, Assistant Chief of Inspectors or Captain of Inspectors, and/or the county. All training must be work related.

8.3.7. T.I.P. training shall not be approved if it does not meet the standards required by the Inspectors Division.

8.3.8. All T.I.P. records are subject to audit by the county to insure compliance and training content.

8.3.9. The T.I.P. is a fringe benefit provided by the county. It shall be the responsibility of each Inspector to insure the integrity of the fringe benefit by adhering to all guidelines and policies.

8.3.10. Newly appointed Inspectors may not accrue T.I.P. training hours until they have completed their probationary period (6 months). During their probationary period, newly appointed Inspectors may attend training, but the training hours will not be credited towards T.I.P.

8.3.11. Newly appointed Inspectors may begin accumulating T.I.P. hours once they have completed probation.

8.3.12. Newly appointed Inspectors are not eligible to receive T.I.P. pay until they have completed 12 months of service and have accumulated the required T.I.P. hours.

8.3.13. All Inspectors must re-qualify for T.I.P. each fiscal year.

9. RANGE POLICY

9.1. Range Safety

9.1.1. All Inspectors and other participants on the shooting range shall wear ear protectors and plastic safety glasses or eyeglasses.

9.1.2. The designated Range Master shall be recognized as the supervisor of the range and all events occurring at that location. Personnel assisting at the range shall do so at the direction of the Range Master. The Range Master shall have the authority to immediately dismiss any violator of range policy from the range.

9.1.3. No weapon shall be discharged on the range without safety equipment and at the direction of the Range Master.
9.1.4. Any firearm malfunction, ammunition problems, or similar safety issues shall be immediately brought to the attention of the Range Master or assistant and in a safe manner.

9.1.5. The unloading and loading of firearms shall only be done in the designated area. This area shall be clearly marked for that purpose.

9.1.6. A weapon shall never be pointed, displayed, or mishandled in the direction of other persons.

9.1.7. All Inspectors shall attend the designated firearms training dates. Any Inspector not attending shall immediately notify the Training Captain of Inspectors. Notification shall occur prior to the training date.

9.1.8. Only approved firearms and ammunition shall be allowed on the range.

9.1.9. Persons shall not be allowed on the range if they have consumed alcohol or drugs.

9.1.10. All Inspectors shall immediately unload their firearm in the designated area upon arriving at the range. An unloaded firearm shall then be in a holstered position.

9.1.11. An Inspector's firearm shall not be unholstered unless the Inspector is at the firing line, facing the target, and has been instructed to do so by the Range Master.

9.1.12. An Inspector's firearm shall be pointed down range whenever it is unholstered. Inspectors shall not discharge their firearm unless directed to do so by the Range Master.

9.1.13. A firearm shall not be “dry fired” unless directed to do so by the Range Master.

9.1.14. All firearms shall be in the "decocked" (hammer down) position prior to movement from one firing position to another.

9.1.15. An Inspector's firearm shall be unloaded prior to exiting the firing line of the range.

9.1.16. All firearms shall be inspected and cleaned in designated areas only.

10. CORRESPONDENCE POLICY

10.1. Out-Going Correspondence
10.1.1. All out-going correspondence prepared on District Attorney Letterhead shall be job related.

10.1.2. All out-going correspondence shall close with the name of the District Attorney followed by the notation "By:" The name and title of the person sending the correspondence shall follow the notation "By:"

10.1.3. A copy of all out-going correspondence shall be maintained for future reference.

10.1.4. All commendations shall be issued from the Office of the District Attorney or the Chief of Inspectors. Requests for letters of commendation shall be submitted through the chain of command.

10.1.5. All out-going correspondence shall be reviewed by an Inspector's immediate supervisor prior to being sent.

10.1.6. All written reports to be released outside of this office shall be reviewed by an Inspector's immediate supervisor. The circumstances requiring a written report to be forwarded shall be discussed with the chain of command prior to release.

10.2. In-Coming Correspondence

10.2.1. All in-coming mail shall contain the Department title and name of person who is to receive the correspondence.

10.2.2. Inspectors shall not receive personal mail (i.e. catalogs, books, newsletters) at this office.

10.2.3. Any mail received by the Office of the District Attorney may be opened for the purpose of proper distribution.

10.3. Written Reports

10.3.1. All written reports shall be submitted in a narrative form detailing the event in a specific, clear, and grammatically correct manner.

10.3.2. All written reports shall be completed as soon as possible and submitted to the immediate supervisor for review.

10.3.3. All reports and memorandums shall be initialed or signed by the Inspector who prepared same.
11. BIASED BASED POLICING

11.1. Definition

11.1.1. Biased policing means the practice of singling out or treating differently any person on the basis of race, ethnicity, national origin, religion, age, gender, gender identity, gender expression, transition, sexual orientation, mental disability, physical disability, citizenship or socio-economic status.

11.1.2. Inspectors shall not engage in biased-based policing as this undermines the relationship with the public and is contradictory to the values of the District Attorney’s Office.

12. SEXUAL HARRASSMENT PREVENTION AND PROHIBITION

12.1. Statutory Authority:

Title VII of the Civil Rights Act of 1964 as amended.


Federal Employment Housing Act 12940 only as to State.

12.1.1. General Statement:

Sexual Harassment is any conduct or communication (visual, physical, verbal or written that includes the use of e-mail or other electronic devices) of a sexual nature which is unwanted, deliberate or repeated and creates a hostile, offensive or intimidating work environment, and/or affects a person’s ability to perform work.
Example: Within the County government, a supervisory employee who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or the job of an employee is engaging in sexual harassment. Similarly, an employee of the County who behaves in this manner in the process of conducting County business is engaging in sexual harassment. Persons covered are all who are employed by the County including: civil service, temporary, provisional, exempt, special employment employees, consultants, volunteers and persons providing services under personal services contracts.

12.1.2. Policy:

It is the policy of the Alameda County Board of Supervisors that sexual harassment is unacceptable employee conduct and will not be condoned or tolerated. Sexual harassment is an unlawful employment practice prohibited by both State and Federal law. It debilitates morale and interferes in the work productivity of its victims and their co-workers. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures.

Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature, which are unwelcome.

Any employee who participates in deliberate or repeated unsolicited verbal comments, gestures or physical contact of a sexual nature, which are unwelcome, is also engaging in sexual harassment.

County officials and employees who violate this policy may be subjected to firm disciplinary action up to and including dismissal.

Prevention is the best tool for the elimination of sexual harassment. All County agencies and departments shall take the initiative to inform all employees of the policy statement and of the sanctions. They shall also inform all employees of how a complaint of sexual harassment should be handled. They shall express strong disapproval of sexual harassment and develop methods to improve awareness of all concerned.

However, it is not the intent of the County of Alameda to regulate the social interaction or relationships freely entered into by County employees.

12.1.3. Responsibility of Agency/Department Heads and Directors:
a. Ensure managers and supervisors are trained and practice sexual harassment prevention and corrective procedures as established in the Affirmative Action Plan.

b. Insure all employees receive sexual harassment prevention training and that managers and supervisors provide a sexual harassment free workplace.

12.1.4. Managers and Supervisors:

a. Take all reasonable steps to ensure a work environment free from sexual harassment through prevention and training.

b. Once supervisors/managers become aware that an allegation of sexual harassment has been made take immediate corrective action as established in the Affirmative Action Plan, when sexual harassment occurs.

c. Forward formal complaints to the Diversity Programs Office in a confidential and timely manner.

12.1.5. Diversity/American with Disabilities Act (ADA) Coordinators:

a. Assures that informal sexual harassment complaints are investigated in a timely, thorough, impartial and confidential manner as established by the County’s Discrimination/Harassment Complaint Procedures.

b. Serve as the agency/department resource for managers, supervisors, employees and investigators regarding equal opportunity and sexual harassment issues.

c. Assists the Diversity Programs Office to ensure that formal sexual harassment complaints are investigated in a timely, thorough, impartial and confidential manner as established by the County’s Discrimination/Harassment Complaint Procedures.

12.1.6. County Administrators Office:

a. Through the Diversity Programs Unit, manages the County’s Discrimination/Harassment Complaints Program and serves as the County’s resource for sexual harassment prevention and related issues.

b. The Diversity Programs Unit ensures that formal sexual harassment complaints are investigated in a timely thorough, impartial and confidential manner as established by the County’s Discrimination/Harassment Complaints Procedures.
INSPECTORS’ DIVISION POLICY MANUAL

12.1.7. Employees:

   a. Comply with this Policy and are encouraged to report sexual harassment incidents to management, the agency/department Diversity/AA Coordinator, the Personnel Officer or the Diversity Programs Office.

13. HOMICIDE DUTY POLICY

   13.1. Homicide Duty Responsibility

       13.1.1. All Inspectors assigned to homicide duty shall assume the on-call status at 0830 hours on Friday of each week. It shall be the responsibility of the Inspector to deliver the homicide kit to their on-call replacement. The stand-by shall be on a 24 hour basis. A Lieutenant of Inspectors will coordinate the Homicide Duty List.

       13.1.2. All Inspectors shall notify the Lieutenant of Inspectors in writing of any change in homicide duty prior to the change. It shall be the responsibility of the Inspector to arrange proper relief, notification to Sheriff’s radio, and the Deputy District Attorney assigned with the Inspector.

       15.1.3 All reports regarding a homicide call-out shall be completed at the earliest possible time and submitted to the 9th floor support-staff pool for processing.

       15.1.4. All call-out log sheets shall be submitted to the Lieutenant of Inspectors each Friday by the on-call Inspector.

       15.1.5. Any evidence (i.e. tapes, diagrams, or similar items) shall be entered into evidence at the District Attorney's evidence room located at the Rene C. Davidson Courthouse. The chain of custody shall be strictly adhered to and documented properly.

       15.1.6. It shall be the responsibility of the on-call Inspector to insure the homicide kit is properly stocked with tapes, admonition forms, statement forms, and other needed items.

       15.1.7. Homicide duty Inspectors shall inform Sheriff's radio they have assumed the on-call duty and provide all information necessary to be contacted.

       15.1.8. It shall be the responsibility of the homicide duty Inspector to notify a member of the "Officer Involved Shooting Team" immediately after becoming aware of an incident involving the serious injury or death of an officer or of a citizen caused by the actions of an officer.
15.1.9. The homicide duty Inspector shall assume the "Officer Involved Shooting" investigation only after exhausting all means of contacting a member of the team and notifying the Assistant Chief of Inspectors about the incident.

15.1.10. The Chief of Inspectors, Assistant Chief of Inspectors or the Captain of Inspectors shall be informed of the "Officer Involved Shooting" at the earliest practical time.

16  CITIZEN COMPLAINT POLICY

16.1.  Method of Handling Citizen Complaint

16.1.1. All citizen complaints alleging misconduct by an Inspector shall be received and reviewed whether anonymous or not.

16.1.2. All citizen complaints regarding misconduct by an Inspector shall be referred to the Assistant Chief of Inspectors immediately.

16.1.3. The Assistant Chief of Inspectors shall be responsible for advising the Chief of Inspectors, who in turn shall notify the District Attorney or the Chief Assistant District Attorney of the alleged misconduct.

16.1.4. The Chief of Inspectors or a designee shall consult with the District Attorney or the Chief Assistant District Attorney to determine whether an investigation shall be conducted.

16.1.5. If a complaint is not alleging misconduct and is non-criminal it shall be referred to the supervisor of the Inspector. The supervisor may handle the complaint.

16.1.6. Written reports regarding such investigations shall be submitted to the Captain of Inspectors.

16.1.7. The Chief of Inspectors shall review the written reports and all pertinent materials in order to make a decision as to the type action to be taken.

16.1.8. Conflict of Interest

17.  PRISONER TRANSPORTATION

17.1.  Caged Car

17.1.1. When feasibly possible, prisoner transports should be accomplished by utilizing the DA Inspectors’ "cage car." If the cage car is not immediately available, Inspectors may transport their prisoner in their regularly
assigned vehicle under the following circumstances:
The prisoner is cooperative.

b. The prisoner does not have a history of violence, resisting arrest or escape.

c. The prisoner shall be handcuffed behind their back and seat belted in.

d. When feasibly possible, the prisoner should be seated in the right rear seat.

e. A second Inspector or Peace Officer shall be in the rear seat with the prisoner.

f. The Child Door lock shall be activated.

17.1.2. If the prisoner is uncooperative, has a history of violence, resisting arrest or escape, the Inspector shall transport in the cage car. If the cage car is unavailable, the Inspector should use ACSO or a local jurisdiction to make the transport.

17.1.3. When a prisoner (Male or Female) is being transported in an Inspector’s car, they shall notify ACSO Dispatch and provide time and mileage. If the Inspector is out of county or out of radio range, the Inspector shall notify ACSO Dispatch via cell phone of their time and mileage.

17.1.4. When a prisoner is being transported from a custodial facility to Court or from one custodial facility to another, i.e. State Prison to County Jail, the Inspectors shall utilize a cage car.

17.1.5. The DA cage car will be assigned to the SAFE Taskforce on a regular basis unless it is needed by an Inspector. The Inspector shall make arrangements with the SAFE Taskforce Supervisor to obtain the car.

18. HANDLING EVIDENCE

18.1. Chain of Custody

18.1.1. The handling and receipt of all evidence shall be performed maintaining the chain of custody of each item. Each item shall be properly marked, logged, and stored.

18.1.2. All trial evidence received from any source shall be immediately logged into the Evidence Room at the Rene C. Davidson Courthouse following the appropriate procedures.
18.1.3. Investigative evidence (including Grand Jury evidence) will be stored in an Evidence Room located at the respective DA Unit location, other designated secure facility, or location approved by the Chief of Inspectors.

18.1.4. The Inspector preparing a Superior Court case shall be responsible for the proper storage and logging of evidence related to the case. This shall include the preparing of the evidence "blue card."

18.2. Evidence Viewing

18.2.1. All evidence being viewed by a defense attorney, witness, or other persons not employees of this office shall be accompanied by an Inspector or Evidence Room property clerk during the entire viewing process. It shall be the responsibility of the Inspector to make arrangements with the Evidence Room Manager for the viewing of evidence.

18.2.2. Any viewing of evidence by someone other than a Deputy District Attorney or Inspector of this office shall require approval from the Captain of Inspectors, the Chief of Inspectors, the Chief Assistant District Attorney, or the District Attorney.

18.2.3. No one shall remove evidence from the Evidence Room without logging the item properly and being authorized to do so.

18.3. Release of Evidence

18.3.1. Evidence shall only be released with a proper court order, the approval of the Deputy District Attorney handling the matter, or through Evidence Room procedures of destruction and/or release.

18.4. Criminal Offender Record Information

18.4.1. All Criminal Offender Record Information (CORI) shall be destroyed after its use in an investigation has concluded. It is not sufficient to place photos, CII or FBI “rap-sheets” into locked confidential bins. The CORI information shall be shredded to comply with Criminal Justice Information Services (CJIS) security policy 5.8.4, “Physical media shall be destroyed by shredding or incineration.”

19. GRAND JURY POLICY

19.1. Grand Jury Case Preparation
19.1.1. All cases being prepared for a Grand Jury shall be coordinated through the Lieutenant of the Special Operations Unit (SOU). The chain of command shall be notified of the matter prior to commencing any preparation.

19.1.2. It shall be the responsibility of the Inspector preparing a Grand Jury matter to insure all evidence is properly marked, logged, and stored.

19.1.3. It shall be the responsibility of the Inspector preparing a Grand Jury matter to follow-up on all booking procedures to insure a defendant is not released after the dismissal of a superior court action. This shall include the hand delivery of any warrant to ACSO warrant division.

19.1.4. Any Inspector handling a Grand Jury case shall coordinate through the Lieutenant of the SOU for the preparation of a warrant information sheet to accompany the arrest warrant in those matters with an out-of-custody defendant or one that is in-custody in another jurisdiction.

19.1.5. Alameda County cases involving in-custody defendants in the Alameda County Jail system, the original arrest warrant shall remain with the Superior Court Clerk's Office. A copy of the arrest warrant shall be hand delivered to the jail facility where the defendant is incarcerated.

19.1.6. The Inspector assigned to the Grand Jury case shall inform the Grand Jury support staff member of the defendant’s PFN and CEN for charging purposes.

20. PRESS POLICY

20.1. Press Interviews

20.1.1. Inspectors shall not give interviews or information to the media without the prior approval of the District Attorney, the Chief Assistant District Attorney, or the Chief of Inspectors.

20.1.2. All Inspectors shall inform their supervisor of any requests made by the media for an interview. The supervisor will be informed in detail about the request.

20.1.3. It shall be the responsibility of the immediate supervisor to insure the chain of command has been properly notified of all media interview requests.

20.1.4. Unless advised otherwise, all information released to the media shall be done by the District Attorney, the Chief Assistant District Attorney, or the Chief of Inspectors.
21. SPECIAL OPERATIONS, RISK ASSESSMENTS AND OPERATIONS PLAN


21.1.1. Prior to the service of a search warrant or any specialized operation involving a Search or Arrest Warrant, Probation or Parole Searches, Cellular Telephone Tracking, Undercover Operations, Security Details, Large scale EPT Operation, 290 Enforcement Operation, or any other planned operation, the Case Inspector will complete an Alameda County District Attorney’s Office, Operations Plan. The plan will be submitted to his/her direct supervisor and command officer for approval.

21.1.2. The Supervising Inspector shall insure that the planned operation is properly staffed and a risk assessment has been completed.

21.1.3. The Operations Plan must be approved by a Command Officer (Lieutenant or Captain).

21.1.4. The Supervising Inspector shall insure that all Inspectors assigned to the operation shall have the proper equipment to include the following: firearm, spare ammunition, handcuffs, OC spray and/or asp baton, badge, body armor, raid jacket, portable radio, cell-phone, cage car, etc.

21.1.5. The Case Inspector or Supervising Inspector shall conduct a Risk Assessment and assign a risk value to the assignment. The risk value will be Low-Risk, Medium-Risk or High-Risk.

21.1.6. Any High-Risk assignment must be approved through the chain of command to the Chief of Inspectors prior to conducting the operation.

21.1.7. The Case Inspector shall conduct a briefing of all personnel assigned to the detail prior to the operation. At the briefing all personnel shall be provided a copy of the Operations Plan.

21.1.8. The Case Agent shall notify the Watch Commander and/or Dispatch Center of the local jurisdiction where the operation is planned. The Case Agent shall advise of the nature of the operation and provide a field contact telephone number.

21.1.9. During operations where entry will be made into a dwelling, every effort shall be made to have a uniformed officer from the local jurisdiction on scene.
21.1.10. When the objective is secure, subjects and suspects neutralized, and all team members accounted for, the Case Inspector or Supervisor shall insure the objective is properly searched, evidence seized, suspect(s) booked/identified, injured cared for, and all property (law enforcement and personal) is accounted for prior to departure.

21.1.11. At the conclusion of an operation the Supervising Inspector shall conduct a debriefing of the incident with involved personnel.

21.1.12. The Case Inspector shall maintain one copy of the Operations plan in his case file and send one copy of the final Operations Plan to the Administrative Captain to keep on file.

21.1.13. At the end of the detail, all copies of the Operations Plan shall be collected and destroyed by the Case Inspector. The only exception to this is Policy Manual 21.1.12.

22. IN-CUSTODY DEATHS

22.1. Definition

22.1.1 An In-Custody Death is an incident in which an Inspector arrests or takes custody of an individual and that person dies.

22.1.2 Inspectors involved in an in-custody death shall notify their supervisor immediately or as soon as practical. If the immediate supervisor is unavailable, then another supervisor or commander shall be notified.

22.2. Preliminary and Follow-up Investigations

22.2.1 Preliminary and follow up investigations involving in-custody deaths shall be turned over to the agency having law enforcement jurisdiction at the location in which the death occurred.

22.2.2 Reporting and investigation responsibilities for in-custody deaths are as follows:

   a. Inspector(s) involved in an in-custody death shall refrain from discussing the incident with others, with the exception of discussions needed to assist with the investigation. When directed to do so, Inspector(s) shall respond from the incident location to the designated interview location.

   b. Inspector(s) who respond to the scene of the In-Custody death shall assist in the preliminary investigation at the scene of the incident. Upon relief, such Inspector(s) shall complete and submit an Inspector’s Report to his/her immediate supervisor prior to the end of the work day.

22.3. Supervisors’ Responsibilities:

   a. Respond to the location of the in-custody death.

   b. Secure and manage the scene until properly relieved by peace officers from the jurisdiction in which death occurred.

   c. Ensure Inspector(s) who were involved in the in-custody death are separated and each Inspector is assigned a non-witness Inspector to provide peer support. Peer support Inspectors shall be directed to transport their involved Inspectors from the incident location to the designated interview location (this transportation should be accomplished as soon as reasonably possible). Inspectors shall be allowed to choose their own peer support Inspector.
d. Make the following telephonic notifications: Watch Commander in jurisdiction in which the death occurred, Chief of Inspectors, and Assistant Chief of Inspectors. The Chief of Inspectors, or his designee, shall be responsible for making the necessary additional notifications.

22.4. Chief of Inspectors/Commanders’ Responsibilities:

a. Coordinate with commanders of law enforcement having jurisdiction at the location in which the death occurred. Provide support to their preliminary and follow-up investigation as necessary.

b. Place the Inspector(s) involved in the in-custody death on at least three (3) days of paid administrative leave, or whatever reasonable amount of time the Inspector(s) require to recover from the incident.

c. Provide a Management Referral to a designated licensed mental health professional to any Inspector(s) involved in an in-custody death. Advise the applicable Inspector(s) that attendance is mandatory and encourage the member to participate.

d. No later than sixty (60) calendar days following the incident, the Chief of Inspectors shall convene a board to review the incident.

22.5. State Notification

22.5.1 In accordance with Government Code 12525, the Chief of Inspectors will report in writing to the California Attorney General, within 10 days after the death, all facts concerning the death.

23. DOUBLE BLIND SEQUENTIAL PHOTO LINE-UP POLICY AND PROCEDURE

Inspectors shall conduct Photo Line-ups pursuant to the following policy and pursuant to the minimum requirements set forth in Penal Code section 859.7.

23.1. The Investigating Inspector shall assemble the suspect photo and at least five fillers in the normal manner.

23.1.1. If there are multiple suspects, the Inspector will need to assemble a different group of photos using new fillers for each suspect. If practicable, the photo of the suspect(s) should resemble his or her appearance close in time to the offense. The photo of the suspect(s) must not unduly stand out.

23.1.2. The fillers generally should look like the suspect and should generally fit the witness’ description of the perpetrator.

23.1.3. The Investigating Inspector shall arrange the six photos/persons in random order, numerically mark the front of each photo and record the order. The
Blind Administrator/Inspector, who has no knowledge of the identity of the suspected person, shall present the Photo Line-up to the witness. The Investigating Inspector **SHALL NOT** reveal the identity of the suspect to the Blind Administrator/Inspector. Writings or other information concerning the suspect’s previous arrest history shall not be visible to the witness.

**23.2.** The Blind Administrator shall admonish the witness using the designated Alameda County District Attorney’s Office Double Blind Sequential Line-up Form using the following instructions:

a. In a moment, I will show you a series of six photos. The person who committed the crime may or may not be included.

b. Even if you identify someone during this procedure, I will continue to show you all the photos in the series. The investigation will continue whether or not you make an identification.

c. Keep in mind that things like hairstyles, beards and mustaches can be easily changed and that complexions may look slightly different in photographs.

d. You should not feel you have to make an identification.

e. It is just as important to exclude innocent persons as it is to identify the perpetrator.

f. The photos will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a photo again, you will be shown all photos again.

g. Do you understand these instructions?

**23.3.** Conduct the Sequential Photo Line-up as follows:

a. If feasible, the Photo Line-up shall be conducted on videotape. If videotaping is not feasible, the Photo Line-up must be audio recorded and the reasons for audio-only recording must be documented.

b. Obtain the witness’ description of the suspect if he or she has not yet provided one.

c. Confirm that the witness understands the nature of the sequential procedure in the appropriate section of the Alameda County Double Blind Sequential Line-up Identification Form.

d. Present each photo to the witness separately in a previously-determined order.
e. After viewing each photo have the witness initial the photo.

f. Remove each photo before presenting the next one.

g. Throughout the procedure, take care not to say or do anything that might influence the witness’ identification of the suspect.

23.4. **Record all results in writing afterwards in an Inspector’s Report, including the witness’ own words.** This should include positive, tentative and non-identifications. The following should be documented:

a. Identification information and sources of all photos used.

b. Names of all persons present at the Photo Line-up.

c. Date and time of procedure.

d. The results, to include: no identifications, tentative identifications, and positive identifications.

e. If the witness makes a tentative or positive identification all the following shall apply:

   1) Immediately ask the witness what his or her level or confidence is in the accuracy of the identification. Do not suggest or solicit quantitative values such as percentages or numeric scales. Instead, qualifications such as “extremely certain,” “moderately certain,” or “not at all certain,” for instance, are preferred. Ask why the witness believes the photo selected is or may be the suspect. Obtain a qualitative description such as similar or same eyes, nose, face shape, etc.

   2) Record the witness’ confidence level verbatim.

   3) Do not provide the witness with any information about the person he or she identified prior to obtaining and documenting the witness’ confidence level.

   4) Do not validate or invalidate the witness’ identification.

23.5. **Ask the witness to complete the Alameda County Double Blind Sequential Line-up Identification Form with their name, signature, date and time.**

23.6. **If there is more than one suspect, the Investigating Inspector shall assemble a separate Photo Line-up for each suspect.**

23.7. **If more than one witness is to view the same Line-up, make sure the witnesses have been separated from one another during the Line-up process so that they cannot communicate with one another.**
23.8. If more than one witness is to view the same Photo Line-up, the Investigating Inspector shall change the order of the photos in the Line-up array between each witness. This will prevent any possibility of witnesses telling each other which number they picked. Be sure to document this step.

23.9. Witnesses should be instructed to avoid discussing the details of the incident or the Photo Line-up with any other witness.

23.10. If Blind Administration is not feasible, follow the directives in Penal Code section 859.7 in conducting a “Blinded Administration.”

23.11. Once the Photo Line-up and the Inspector’s Report are complete, the Investigating Inspector shall book the original Photo Line-up, the audio/video recording, the original copy of the Double Blind Sequential Identification Form, Identification Photo Line-up Order Form and the Inspector’s Report into the Property and Evidence Section of the Alameda County District Attorney’s Office at the Rene C. Davidson Courthouse. This shall be completed as soon as reasonably possible.

24. DOUBLE BLIND SEQUENTIAL PHYSICAL LINE-UP POLICY AND PROCEDURE

Inspectors shall conduct Physical Line-ups pursuant to the following policy and pursuant to the minimum requirements set forth in Penal Code section 859.7.

24.1. The Investigating Inspector shall assemble the suspect Physical Line-up and at least five fillers in the normal manner.

24.1.1. The suspect shall be allowed to pick their fillers for the Physical Line-up and their place in the Line-up. The Investigating Inspector shall review the fillers to make sure they are appropriate in that the fillers generally look like the suspect and generally fit the witness’ description of the perpetrator. The suspect shall not unduly stand out. Record the identity of the persons in the Line-up and the order of the persons and suspect in your report. If the suspect fails to select his/her position in the line or the order of the fillers, then the Investigating Inspector shall document the suspect’s decision and make those selections in random order.

24.1.2. The Investigating Inspector SHALL NOT reveal the identity of the suspect to the Blind Administrator/Inspector.

24.2. The Blind Administrator shall admonish the witness regarding the following instructions directly from the Double Blind Sequential Line-up Identification Form:

a. In a moment, I am going to show you a series of six people. The person who committed the crime may or may not be included.
b. Even if you identify someone during this procedure, I will continue to show you all the people in the Line-up. The investigation will continue whether or not you make an identification.

c. Keep in mind that things like hair styles, beards and mustaches can be easily changed and that complexion may look slightly different.

d. You should not feel you have to make an identification.

e. It is as important to exclude innocent persons as it is to identify the perpetrator.

f. Do not discuss your case with other witnesses.

g. The people will be shown to you one at a time. Take as much time as you need to look at each one. If you wish to see a person again, you will be shown all of the people.

h. The individuals you will be shown will not be named; they will be assigned numbers. If the suspect in your case is in the Line-up, remember their number.

i. If you wish to have a certain person in the Line-up speak, wear a hat, walk rapidly, etc., make this request to the investigator conducting the Line-up, and all of the people in the Line-up will be asked to do the same thing. No person in the Line-up will be singled out to speak or perform.

j. Do you understand these instructions?

24.3. **Conduct the Sequential Physical Line-up as follows:**

a. The Physical Line-up shall be conducted on videotape.

b. Obtain the witness’ description of the suspect if he or she has not yet provided one.

c. Confirm that the witness understands the nature of the sequential procedure and have them sign the Alameda County District Attorney’s Office Double Blind Sequential Line-up Identification Form.

d. Present each person to the witness separately in the previously determined order.

e. The witness(s) shall view only one person at a time. Remove each person before presenting the next one.

f. Throughout the procedure, take care not to say or do anything that might
24.4. Post Line-up Identification Procedure:

a. If the witness identifies a suspect, have the witness place an “X” in the corresponding box with the suspect in the Physical Line-up on the Alameda County Double Blind Sequential Line-up Identification Form.

b. If no suspect is identified, the witness should NOT mark the sheet.

c. If the witness believes the suspect was present but was tentative, the witness should mark the corresponding box with a “?” mark.

24.5. Record all results in writing, including the witness’ own words. This should include positive, tentative and non-identifications.

24.5.1 If the witness makes a tentative or positive identification all the following shall apply:

a. Immediately ask the witness what his or her level or confidence is in the accuracy of the identification. Do not suggest or solicit quantitative values such as percentages or numeric scales. Instead, qualifications such as “extremely certain,” or “moderately certain” are preferred. Ask why the witness believes the photo selected is or may be the suspect. Obtain a qualitative description such as similar or same eyes, nose, face shape, etc.

b. Record the witness’ confidence level verbatim.

c. Do not provide the witness with any information about the person he or she identified prior to obtaining and documenting the witness’ confidence level.

d. Do not validate or invalidate the witness’ identification.

24.6. Ask the witness to sign and date the results of the Physical Line-up using Alameda County Double Blind Sequential Line-up Identification Form.

24.7. Document, in writing in an Inspector’s Report, the Physical Line-up procedure, including:

a. Identification information for all the fillers shall be documented.

b. Names of all persons present in the audience at the Line-up.

c. Date and time of the Line-up.

d. Any identifications.
24.8. If more than one witness is to view the same Physical Line-up, then make sure that the witnesses have been separated from one another during the Physical Line-up process so that they cannot communicate with one another. In situations where more than one witness will be viewing the same Physical Line-up at the same time, the witnesses should be instructed to not say or do anything that may influence other witnesses present.

24.9. Witnesses should be instructed to avoid discussing the details of the incident or the Physical Line-up with any other witnesses.

24.10. If Blind Administration is not feasible, follow the directives in Penal Code section 859.7 in conducting a “Blinded Administration.”

24.11. Once the Physical Line-up and the Inspector’s Report are complete, the Investigating Inspector shall book the video recording, the original copy of the Double Blind Sequential Identification Form, Physical Line-up Order Form, video recording and the Inspector’s Report into the Property and Evidence Section of the Alameda County District Attorney’s Office at the Rene C. Davidson Courthouse. This shall be completed as soon as reasonably possible.

25. SEARCH WARRANTS AND RAMEY WARRANTS

25.1. Search Warrants

25.1.1. The Inspector shall review the facts of the case with the assigned Deputy District Attorney and determine whether or not there is sufficient probable cause to obtain a search warrant. Once determined the Inspector will author the search warrant and affidavit in support of the search warrant. Search warrants that require an Operational Plan shall be reviewed by the Inspector’s supervisor, prior to being presented before a magistrate. If the Inspector’s supervisor is unavailable any available supervisor shall conduct the review.

25.1.2. Search warrants that do not require an Operational Plan, such as search warrants for bank records, cellular telephone records, vehicles in storage, etc., no supervisory approval is necessary.

25.2. Arrest Warrants & Ramey Warrants

25.2.1. The Inspector shall review the facts of the case with the assigned Deputy District Attorney and determine whether or not there is sufficient probable cause to obtain an arrest or Ramey warrant. Once determined the Inspector shall author the arrest or Ramey warrant and affidavit in support of the arrest or Ramey warrant. The warrant and the affidavit, along with the Operational Plan shall be reviewed by the Inspector’s supervisor, prior to being presented to a magistrate. If the Inspector’s supervisor is not available any available supervisor shall conduct the review.
25.2.2. The Court Operations Captain, Consumer Environmental Protection Division Captain and the Special Operations Unit Lieutenant shall each maintain a log listing all Search Warrants, arrest warrants and Ramey warrants requiring an Operational Plan for each of their respective commands. The log will document the date, location searched, defendant name(s), affiant’s name and approving supervisor’s name.