



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



Policy and Procedure Manual
Table of Contents

1. Law Enforcement Code of Ethics
2. Mission Statement
3. Mission and Goals
4. Authority of the District Attorney
5. History and Authority of District Attorney Investigator
6. Bureau of Investigations Chain of Command
7. Bureau of Investigations Job Descriptions
8. District Attorney's Office Organizational Chart
9. Alcohol and Drugs
10. Arrest and Prisoner Procedures
11. Confidentiality of Information
12. Death or Life Threatening Injury to Employee
13. Dress Standards
14. Emergency Driving and Vehicle Stops
15. Department Facilities and Equipment



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- 16.Firearms and Weapons
- 17.Fitness for Duty Examinations
- 18.Lawfulness of Orders
- 19.Light Duty
- 20.Officer Involved Fatal Incident
- 21.Organizational and Personal Affiliations
- 22.Outside Employment
- 23.Personal Conduct
- 24.Political Activity
- 25.Post Traumatic Incidents
- 26.Reporting for Duty
- 27.Sexual Harrassment
- 28.Initial and Special Investigations
- 29.Use of Department Vehicles
- 30.Use of Force
- 31.Vehicle Pursuits
- 32.Warrant Service and Enforcement



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



33. sUAS Policy



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



THE LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals dedicating myself before God to my chosen profession...law enforcement.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



MISSION STATEMENT

The District Attorney of Mendocino County, as a constitutional officer and the public prosecutor acting on behalf of the people, is vested with the independent power to conduct prosecutions for public offenses, to detect crime and to investigate criminal activity. The District Attorney advises the Grand Jury in its investigations. By law, the District Attorney sponsors and participates in programs to improve the administration of justice.

The District Attorney fulfills these responsibilities through the efforts of the employees of the Office of the District Attorney. Each employee of the District Attorney's Office shall adopt the highest standards of ethical behavior and professionalism. Each employee, moreover, is integral to achieving the mission of the Office and shares the District Attorney's obligation to enhance the fundamental right of the people of Mendocino County to a safe and just society. At all times, the mission of this District Attorney's Office is to carry out the law in a fair, evenhanded and compassionate manner.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



MISSION AND GOALS

The Bureau of Investigation is responsible for the investigative support of the District Attorney. The Bureau's principal mission and goals are to provide investigative assistance to the majority of serious felony cases set for trial, i.e. homicides, rapes, robberies, gang cases, narcotics, elder abuse, domestic violence, crimes against children, career criminal cases, sexual assaults, arson, child recovery investigations, juvenile court. The Bureau is also the District Attorney's enforcement arm. The Bureau is responsible for the identification, detection and apprehension of suspects and witnesses arising out of those cases submitted to the District Attorney by the various law enforcement agencies for criminal and civil prosecution.

Generally, the Bureau of Investigation conducts follow-up investigations based upon the cases submitted to the District Attorney by local agencies and county departments, however, under certain criteria, and at the District Attorney's discretion, may initiate original investigations of its own.

As the enforcement arm, the Bureau of Investigation supports the District Attorney in a wide variety of other functions including, but not limited to, some of the following:

1. Investigative enhancement of serious preliminary trial matters, when necessary.
2. The enforcement of civil and criminal processes and the service of all search warrants and arrest warrants for the District Attorney.
3. The investigation of child abduction and child visitation matters and the arrest(s) of violator(s), pursuant to sections 278 to 278.7 et al. of the Penal Code. The enforcement of child custody orders, locating, recovering, transporting and returning dependent children, as ordered by a court of competent jurisdiction, pursuant to sections 3130 to 3134.5 et al. of the Family Code.
4. The location, detection and transportation of witnesses and suspects in criminal matters both in and out of the State of California and occasionally outside the



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



United States.

5. The gathering and collection of criminal intelligence on those matters relating to organized crime, terrorist and subversive groups, prison gangs, street gangs, motorcycle gangs and juvenile gangs.
6. Special investigations of criminal activity within local municipalities, government agencies, county departments and political offices relating to fraud, corruption, malfeasance, misfeasance and criminal improprieties.
7. Investigation of political improprieties such as Elections Code, conflict of interest and Brown Act violations.
8. Protection and security of the District Attorney, his personnel and his offices county-wide, both publicly and privately, and those persons and VIP's that he may entertain, as well as the protection, security, relocation and concealment of witnesses whose lives are in jeopardy or have been threatened by criminal elements.
9. Investigative assistance to other law enforcement agencies, upon request, in matters of criminal activity where assistance, manpower or expertise may be desired.
10. Investigative assistance to other agencies upon request, in criminal matters of internal, municipal or political conflict wherein the District Attorney may aid the agency as an impartial investigative body such as officer involved shootings, serious felonies, misdemeanors and crimes committed by municipal personnel closely associated with the agency or other political figures.
11. Maintenance and liaison with the District Attorney's Check Prosecution Program, which is privately operated and designed to assist local law enforcement, the business community and the public in securing prosecution, restitution and diversion from bad check writers in violation of Penal Code Section 476a(a).



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



12. The Bureau of Investigation has been given the responsibility for ensuring the physical security of all buildings and office sites occupied by the District Attorney's Office county-wide and is prepared to respond 24 hours a day to protect staff and facilities in the event of civil disorder, natural disaster or any other unusual event requiring physical site security.
13. The Bureau of Investigation participates in various multi-agency task forces and has developed partnerships with law enforcement agencies at the local, state, and federal level.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



THE AUTHORITY OF THE DISTRICT ATTORNEY

The District Attorney is both the public prosecutor and chief law officer of the county, and is charged with the duty of prosecuting as well as investigating violations of the law. His authority to investigate the facts before acting is unlimited and discretionary. His jurisdiction applies to any place within the county in investigating offenses to which criminal and civil penalties apply. The District Attorney is equally charged with the duty to investigate and prosecute crime and these functions are inseparable.¹ No one may institute criminal proceedings without the concurrence, approval or authorization of the District Attorney.²

The investigation and gathering of evidence relating to criminal offenses is a responsibility, which is inseparable from the District Attorney's prosecutorial function. The Bureau of Investigation is the law enforcement division within the office, which performs this part of the prosecutorial function. The District Attorney has no peace officer powers, however by law has the authority to hire sworn peace officers to assist him in his duties, thus creating the tandem relationship that facilitates his full and discretionary authority to both prosecute and investigate the facts unilaterally in any jurisdiction.

The Bureau of Investigation in a District Attorney's Office is recognized as a law enforcement agency by P.O.S.T. (Peace Officers' Standards and Training) under state law. The Chief Investigator of any District Attorney's Bureau of Investigation is recognized by P.O.S.T. as a department head, who serves at the direction of the District Attorney.

¹ Yolo County v. Joyce (1909), 156 Cal. 429 (105 P.125); Hicks v. Orange County Board of Supervisors (1977) 69 Cal.App.3rd 228

² (Govt. Code 26500 and 26501). Pearson v. Reed, 6 Cal.App.2nd 277; County of Modoc v. Spencer supra, 103 Cal. 501; Ops.Atty.Gen. 650, Ops.Atty.Gen. 330 82-306, 5-27-82



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



HISTORY AND AUTHORITY OF DISTRICT ATTORNEY INVESTIGATOR

In California, the title District Attorney Investigator is used to designate persons with full peace officer authority employed by the district attorney. As a classification, the District Attorney Investigator is one of the smallest within the criminal justice system and one of the least understood. He enters into the criminal justice system between the police or sheriff detective and the prosecuting attorney.

Generally, the District Attorney Investigator is the extension of the police investigator. He is responsible for the development of proof beyond a reasonable doubt to ensure the conviction. His role ranges from the traditional functions of criminal investigations and trial preparation to specialized assignments in consumer and environmental protection, major frauds, organized crime and intelligence, crimes against children, elder abuse, domestic violence, child stealing, career criminal units, arson and, in some counties, child support and welfare fraud units. Assignments in many counties also involve investigations of official corruption and/or malfeasance, as well as officer-involved shootings and grand jury investigations.

The District Attorney Investigator is also probably the least studied. We have no knowledge of any published report dealing with the California District Attorney Investigator. Studies of law enforcement in general have either failed to include this category or have reported only limited functions of specific agencies. Similarly, studies of the prosecutor's role have failed to consider the roles of the investigator.

The District Attorney Investigator is actually a rather late addition to the category of law enforcement officers. The Los Angeles County District Attorney's Office became the first to regularly and permanently employ full-time investigators in 1912. It was 13 years later, in 1925, under the administration of Earl Warren, that Alameda County became the second county to employ full-time District Attorney Investigators.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



The legal basis for the District Attorney Investigator is contained in Section 29601 of the Government Code. This section provides that all expenses necessarily incurred in the detection of crime and the prosecution of criminal cases by a district attorney, are county charges.

Historically, the authority of the district attorney to employ and maintain detectives to assist in the detection of crime and the gathering of evidence was settled in a series of cases in the early 1900's: *Yolo County v. Joyce* (1909), 156 Cal 419; *Thail Detective Company v. Tuolumne* (1918), 204 Cal. 31, and *Cunning v. County of Humboldt* (1928), 204 Cal 31. In essence, these cases held that a district attorney had authority to employ persons to assist in the detection of crime and the gathering of evidence to be used in the prosecution of criminal cases, and that the claim for such services was a valid charge against the county even though not approved by the board of supervisors.

Statutory recognition of the District Attorney Investigator as a peace officer by the State Legislature was not gained until 1952. At that time, the legislature designated the position as a limited duty peace officer. This designation remained until 1968, when the legislature granted full peace officer authority under then Section 830.3(b) of the California Penal Code. In 1977, the governor signed Senate Bill 821, which incorporated District Attorney Investigators and Inspectors into 830.1 of the Penal Code. This did not, at that time, increase the peace officer authority granted to District Attorney Investigators, but brought them in with other general duty criminal peace officers under one section. In 1981, with the passage of Senate Bill 1428, the District Attorney Investigators assumed their rightful place in Penal Code section 13510, and were therefore made eligible for P.O.S.T. training costs reimbursement.

The first P.O.S.T. approved course specifically designed for new District Attorney Investigators was designed, planned and written by a statewide consortium of District Attorney Investigators, deputy district attorneys, community college educators and P.O.S.T. staff. The course entitled, "Investigation and Trial Preparation," is an 80 hour class well suited to the new District Attorney Investigator as well as police and sheriff's investigators, and was first offered by Los Medanos College in Pittsburg, California in July, 1984.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



In *Hicks v. Board of Supervisors* (1977), 69 Cal App. 3d 228, the courts again upheld and strengthened the district attorney's authority in holding that the investigation and the gathering of evidence relating to criminal offenses is a responsibility which is inseparable from the district attorney's prosecutorial function. The district attorney is charged with the duty of investigating as well as prosecuting criminal activity and has the authority to employ investigators. Those investigators, like the district attorney, have independent jurisdiction in the county and those cities within the county.

OTHER APPLICABLE AUTHORITATIVE CODES ARE AS FOLLOWS:

Penal Code, Sec. 830.1

District attorney's investigators are peace officers. The authority of such investigators is statewide including investigations within the county of employment, other counties with the prior approval of the chief of police or sheriff in the locality and any place where he reasonably believes a crime has been committed in his presence, or when there is immediate danger to person or property.

Government Code, Sec. 31981

All county peace officers are included within the Peace Officer's Retirement Fund.

Penal Code, Sec. 13500 et al

Mendocino County District Attorney's Investigators are governed by the rules and regulations set forth by the Commission on Peace Officer Standards and Training.

Penal Code, Sec. 1326

District Attorney Investigators have power to issue subpoenas on their own signature.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



BUREAU OF INVESTIGATIONS CHAIN OF COMMAND

1) The Chief of Investigations is the commander of the Bureau of Investigations. The Chief Investigator assumes responsibility for the administration of the Bureau of Investigations, direct supervision of the investigators and civilian employees within the organizational structure of the Bureau of Investigations. The importance of the chain of command cannot be over emphasized and shall be strictly followed.

2) The Assistant Chief Investigator is the second in command of the Bureau of Investigations. In the absence of the Chief Investigator the Assistant Chief Investigator assumes all supervisory and operational responsibilities of the Bureau of Investigations.

3) An employee shall follow the advice and direction of a Deputy District Attorney only in matters pertaining to the legal requirements and pretrial direction of a specific case. In all other matters, the Bureau chain of command shall be followed.

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

5) During an emergency, or in a field situation, in the absence of a regular supervisor or his/her designee, the ranking investigator (by seniority) shall be in command. Seniority is the length of continuing service to the District Attorney's Office, Bureau of Investigation.

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



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- a) Detailed inspection, supervision and complete familiarization with all employees under their command;
 - b) Proper performance of duties and adherence to policies and procedures by each member of their unit;
 - c) Enforcement of rules, regulations and policies among members of their unit;
 - d) Working closely with and providing leadership to the employees under their command.
- 9) An employee has the authority to carry out all his/her responsibilities. In addition, each employee shall be responsible for:
- a) Proper execution of assigned duties;
 - b) Enforcement of laws;
 - c) Arrest of offenders;
 - d) Maintenance of discipline;
 - e) Maintenance of proper public relations;
 - f) Adherence to rules, regulations and policies;
 - g) Reporting through channels any development that may unusually affect the office or the public;
 - h) Proper care and use of office equipment and vehicles, which shall be subject to immediate inspection.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



JOB DESCRIPTIONS

Within the Mendocino County District Attorney Bureau of Investigations division are 3 job classifications. The classifications and descriptions are as listed as follows by rank:

CHIEF INVESTIGATOR

- Plans, directs, coordinates, organizes, supervises and evaluates the operations, functions and personnel of the Investigations Division.
- Plans and implements short-term or annual goals, objectives, and strategies for the department, project or program to ensure efficient organization and completion of work.
- Conducts background investigations according to POST guidelines on law enforcement personnel being hired and non-POST background on other staff.
- Develops, communicates, and monitors policies, procedures, and standards for the department; recommends and implements improvement when necessary.
- Plans, organizes, assigns, reviews, and controls work production and activities, to include procedures, allocation of resources, problem resolution, and training of employees.
- Provides information, advice, feedback, or assistance to others to refine work outputs or resolve problems.
- Ensures that quality standards and compliance with regulations are maintained.
- Conducts more complex criminal and civil investigations, which includes interviewing witnesses, conducting surveillance, following up on potential leads, collecting and processing evidence, and preparing various court documents.
- Prepares and serves subpoenas for information and testimony.
- Prepares comprehensive investigative and/or other reports.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- Consults with attorneys regarding case strategy in preparation for trials.
- Testifies in court as a case witness or an expert witness.
- Prepares and serves arrest warrants; transports arrestees to appropriate location as needed.
- Prepares and serves search warrants.
- Conducts internal affairs investigations of law enforcement and other County agencies.
- Maintains liaison between various agencies; assists other agencies in major criminal investigations as needed.
- Prepares and administers division budget.
- Conducts regular staff meetings to review progress, accomplishments, budgets, strategies, and plans for the division.
- Maintains and upgrades professional knowledge, skills, and development by attending seminars and training programs and reading trade and professional journals and publications.
- Attends and/or conducts various internal and external meetings.
- Performs other related duties as assigned.

ASSISTANT CHIEF INVESTIGATOR

- Assist the Chief District Attorney Investigator in the daily operations, administration and business functions of the specialized District Attorney investigation unit.
- Assist in the initial phases of all major investigations. Assumes supervisory role in field investigations such as homicides and officer involved shootings.
- Carry out supervisory responsibility in accordance with policies, procedures and applicable laws including: interviewing, hiring and training, planning, assigning and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.
- Plan, schedule, supervise, review and evaluate the work of the investigative staff in the absence of the Chief Investigator and upon temporary assignment.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- As directed by the Chief Investigator evaluates employee performance, counsels employees and recommends initial disciplinary action and other personnel decisions.
- Review documents and report for follow-up investigation and communicate those needs to agency; function as the District Attorney liaison with law enforcement agencies.
- Meet with a variety of agencies to facilitate communications between those groups and the District Attorney's Office; assist with investigations conducted by other agencies.
- Perform internal affairs investigations of law enforcement and other county agencies as assigned by the Chief Investigator.
- Assist with the selection of staff and provides for their training and professional development.
- Assist the Chief District Attorney Investigator with the overall management and operational activities of the District Attorney Investigators located in all district attorney offices.
- Assist the Chief District Attorney Investigator with planning and directing the investigations of assigned personnel.
- Testify in court to verify information/data collected during investigations; analyze and evaluate police, court and other records for in the court system.
- Prepare and maintain a variety of reports related to the caseload.

DISTRICT ATTORNEY INVESTIGATOR

- Conduct criminal and civil investigations, which includes interviewing witnesses, conducting surveillance, following up on potential leads, collecting and processing evidence, and preparing various court documents.
- Interview defendants to obtain information concerning each case.
- Visit crime scenes to ascertain and evaluate physical, material and environmental factors relevant to case investigations; investigates location of evidence; photographs crime scenes evidence and/or defendants.
- Prepare and serve subpoenas for witnesses or information/documents; provides instructions and directions to witnesses.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



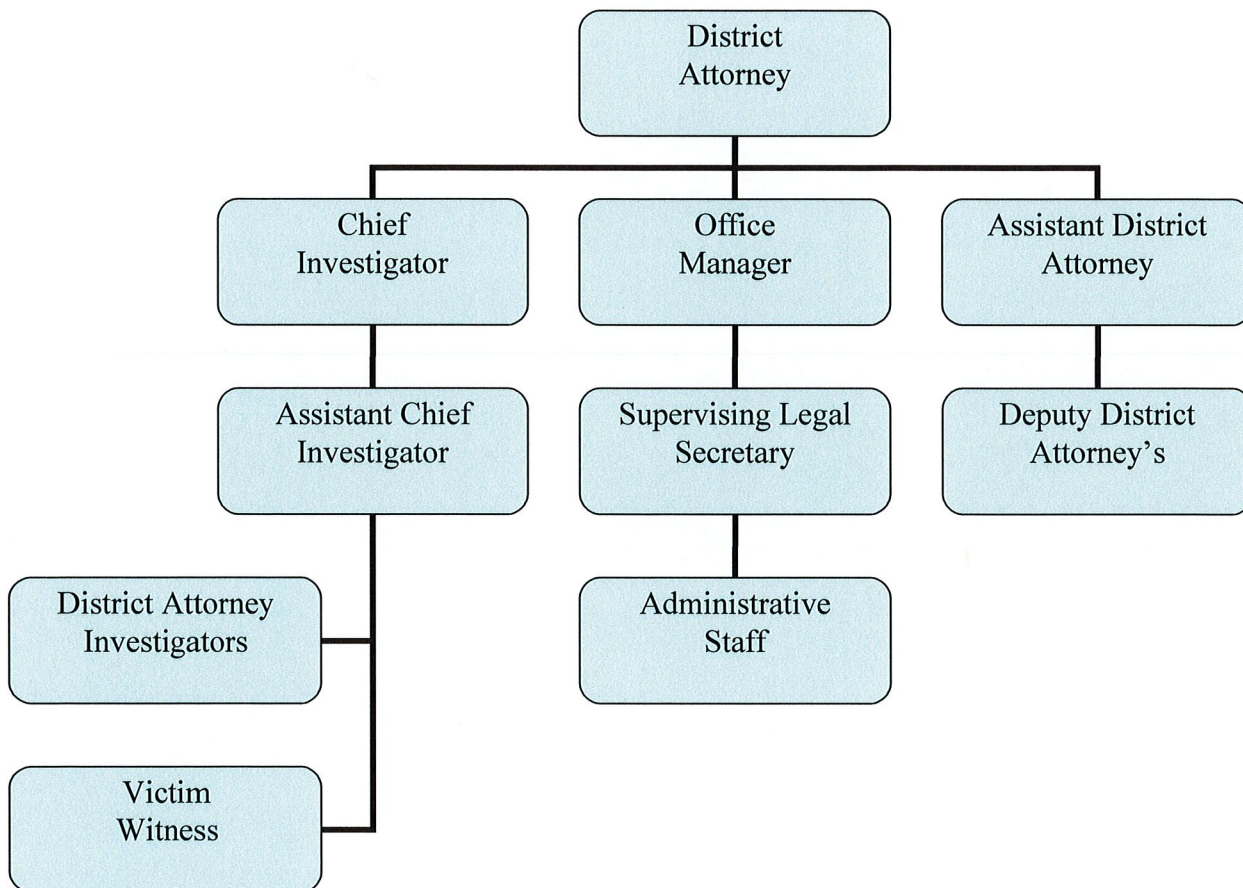
- Conduct computer and other file searches to locate transient clients and witnesses.
- Secure, review and analyze police reports, written statement, depositions and other pertinent case material; examine various records and documents to secure information concerning alleged crimes and civil wrongs.
- Prepare comprehensive investigative and/or other reports.
- Present investigation and evaluations to and consult with attorneys regarding case strategy in preparation for trials.
- Prepare court presentations and other demonstrative aids such as diagrams of crime scenes, photo enlargements and composites and/or other presentations using computer software; operates audio-visual equipment during trials.
- Manage witnesses by arranging for transportation, lodging, meals and protection if necessary.
- Interpret and explain the provisions of law as they pertain to the conduct of investigations and the ensuing court process.
- Testify in court as a case witness or an expert witness.
- Prepare and serve arrest warrants; transport arrestees to appropriate location as needed.
- Act as liaison between attorneys, witnesses, experts and various agencies; assist other agencies in major criminal investigations as needed.
- Confer with law enforcement and/or other appropriate representatives.
- Conduct polygraphs examinations on witnesses and suspects.
- Perform specialized assignments such as California Law Enforcement Telecommunications System agency terminal coordinator, bomb technician or others.
- Attend and/or conduct various internal and external meetings.
- Compare latent prints and performs handwriting analysis for cases and for outside agencies as needed.
- Organize and maintains records and files.
- Recover and returns stolen property.
- Maintain custody of evidence; requests laboratory work on evidence.
- Maintain knowledge of current and/or new case law and statute amendments affecting investigative responsibilities.
- Maintain and upgrade professional knowledge, skills, and development by attending seminars and training programs and reading trade and professional journals and publications.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DISTRICT ATTORNEY ORGANIZATIONAL CHART





MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



ALCOHOL AND DRUG POLICY

STATEMENT

It is the goal of the County of Mendocino to eliminate alcohol and other drug impairment in the workplace and to ensure that employees are in a condition to perform their duties safely and efficiently. To that end, the following conduct is prohibited:

- a) Being under the influence of alcohol or illegal or controlled substances when reporting to work, while on the job, or in connection with carrying out County responsibilities.
- b) Possessing or selling illegal or controlled substances while on the job, or in connection with carrying out County responsibilities.

This policy is intended to compliment other County policies including those regarding the drug-free workplace. This policy does not supersede any rights granted under the Peace Officer Bill of Rights.

If an employee acknowledges that he/she has a substance abuse problem (including abuse of illegal drugs, controlled substances, and/or alcohol) and has not been subject to any form of disciplinary action for this reason and is not being confronted on reasonable suspicion, he/she may qualify for a leave of absence for the purpose of participating in a treatment/rehabilitation program. An employee should contact the Human Resources Department to learn more about Family Medical Leave, California Family Rights Act and/or other leaves for which they may qualify.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



Reasonable accommodation under the American's with Disability Act is available for those suffering from alcoholism, but does not apply to alcohol-related misconduct or illegal drug use. An employee suffering from alcoholism who believes that he/she is in need of reasonable accommodation should discuss his/her needs with his/her Department Head or with the Human Resources Director.

MENDOCINO COUNTY POLICY #24
DRUG FREE WORKPLACE

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthful, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on County premises or while conducting County business off County premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have "legal" consequences.

The County recognizes drug dependency as an illness and a major health problem. The County also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to seek professional help and assistance as appropriate. Information on public and private drug counseling, rehabilitation, and employee assistance will be made available on a confidential basis from the Mendocino County Employee Assistance Program, which is administered by the drug and Alcohol Division of the County Public Health Department. Conscientious efforts to seek such help and assistance will not jeopardize any employee's job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal statute for violations on or off County premises while conducting County business. A report of a conviction



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



must be made within five (5) days after the conviction (This requirement is mandated by the Drug-Free Workplace Act of 1988, Subpart 23.5 (23.504, 3(ii)).



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



ARREST AND PRISONER PROCEDURES

1) POLICY

Sworn investigators, on occasion, arrest defendants/suspects in connection with their duties. Those arrests shall be in accordance with the laws of arrest of the State of California. As a matter of policy in all felony cases, circumstances permitting, the investigator shall notify the sheriff's or municipal police department of the location and nature of arrest within their jurisdiction.

2) PROCEDURE

a) Treatment of Prisoners

1. Employees shall treat prisoners in a fair and humane manner at all times.
2. Fraternization with prisoners is expressly prohibited.
3. Restraint techniques and/or force shall be administered to a prisoner in a lawful manner and in accordance with department policies.

b) Search of Prisoners

Investigators shall search all persons taken into custody for weapons prior to transportation. Prisoners taken into custody by employees of the opposite sex shall only be touched in a manner necessary to detect weapons that might be concealed. An investigator of the same sex as the prisoner should complete a more thorough search.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



c) Transportation of Prisoners

1. Prisoners of the opposite sex

- a. Investigators should not transport prisoners of the opposite sex alone. If at all possible, an investigator of the same sex should be used to assist with the transportation. If that is not possible, an additional investigator should assist with the transportation.
- b. When transporting prisoners of the opposite sex, the radio (or telephone if radio transmission is not possible) shall be used to report the vehicle starting mileage, location of transportation, and intended destination to the dispatcher. Upon arrival, the dispatcher shall be advised of the ending mileage and time.

2. Safety issues

- a. Investigators shall take every precaution to ensure their own safety and the safety of the prisoner.
- b. A minimum of two investigators should be utilized to transport a prisoner when they are combative or resistant.
- c. The prisoner shall be handcuffed during transportation.
- d. Prisoners shall wear a seat belt while being transported in a motor vehicle.

3. Investigators shall comply with existing radio procedures when transporting prisoners and witnesses.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



4. Investigators shall comply with the procedures outlined in penal code sections 821, 822, and 827 regarding the transportation, booking, and appearance before a magistrate requirements when arresting and booking prisoners from another county.

d) Arrest and/or Detention of Foreign Nationals

Penal code section 834c requires every peace officer, upon arrest and booking or detention for more than two hours of a known or suspected foreign national, to advise the individual of their right to contact an official from the consulate of the individual's country. Some countries listed in penal code 834c(d) require mandatory notification regardless of any request by the foreign national. Arresting investigators shall notify the individual of this right. If the individual asks to exercise that right, the arresting investigator shall cause the appropriate notification to be made to the foreign national's consulate.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



CONFIDENTIALITY OF INFORMATION

1. Employees shall not divulge the following information concerning all cases investigated by the Bureau without the approval of the Chief of Investigations and or District Attorney.
 - a. The existence of investigations conducted by the Bureau.
 - b. Conversations concerning investigations conducted by the Bureau.
 - c. Informant identities.
 - d. Location of relocated witnesses.
 - e. Copies of files from investigations conducted by the Bureau.
 - f. Copies of photographs from investigations conducted by the Bureau.
 - g. Copies of recordings from investigations conducted by the Bureau.
 - h. Copies of reports from investigations conducted by the Bureau.
 - i. Identity of Persons on Brady List.
2. At no time will an employee divulge information that may hinder or harm an investigation or bring discredit to the District Attorney's Office.
3. In the course of an employee's official duties an employee may provide information, reports and photographs of cases submitted to the Department for review as described below.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- a. To a Peace Officer to assist in a criminal investigation.
 - b. As needed for Discovery to a Defense Attorney.
 - c. As required, or requested by the Superior Court.
4. Pursuant to Penal Code Sections 502, 11140-11144 and 13300-13330, and evidence code section 1040, employees shall not knowingly permit the misuse of any criminal justice or law enforcement information for their own interest or that of another.
5. Any employee who violates this policy may be subject to disciplinary action, up to and including termination of employment. Violations may also result in criminal and/or civil action.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DEATH OR LIFE-THREATENING INJURY TO EMPLOYEE

1) GENERAL

This procedure applies to any on-duty or off-duty life threatening injury or death of an employee.

2) PROCEDURE

a) Supervisor's Responsibilities:

1. The first supervisory officer to be informed of the death or life-threatening injury of a department employee shall immediately notify the Chief of Investigations. If the Chief of Investigations is unavailable, the information shall be forwarded to the Assistant Chief Investigator.
2. The supervisory officer making the notification shall provide the following:
 - (a) Name of injured or deceased
 - (b) Date and time of incident
 - (c) Location of incident
 - (d) Explanation of how incident occurred
 - (e) Next of kin to be notified
3. The employee's immediate supervisor shall complete all necessary paperwork for notification to Worker's Compensation as soon as practical.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



4. Supervisors shall immediately advise any affected employees of counseling services available through the county's Employee Assistance Program and other services available.

b) Notification

1. The Chief of Investigations or designee will make the notification to the employee's next-of-kin.

2. Notification to the next-of-kin or close relation shall be made in person whenever possible. Whenever impractical due to distance or lengthy time delays, the Chief of Investigations may designate another police department to make immediate notification so that the death or injury is not learned of through a premature media release.

3. A department notice issued by the Chief of Investigations shall be made advising all personnel of the death or life-threatening injury of a department employee. The notice shall contain such information the Chief of Investigations deems appropriate.

c) Liaison Personnel

1. When a bureau employee is killed in the line of duty or sustains a life-threatening injury, the Chief of Investigations may assign a Bureau employee, or a specific employee of the family's preference, to act as the liaison between the bureau and the employee's family.

2. The liaison personnel's responsibilities will include:

(a) Meeting with the family and advising them of what



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



his/her responsibilities are as the liaison personnel.

- (b) Insure that the needs of the family are met.
- (c) Provide transportation for the spouse/next of kin.
- (d) In case of death, meet with the family regarding funeral arrangements. Make the family aware of what the bureau provides in the way of a "line of duty" funeral.
- (e) Know all the information regarding the incident and any investigations so the family's questions can be answered, if possible.
- (f) In case of death, provide as much assistance as possible. Oversee arrangements for travel and lodging for out-of-town family members and insure that the family is briefed on all funeral procedures.
- (g) Arrange for a benefits coordinator to meet with the family.
- (h) The liaison is not a decision making position, but a role of coordinator and facilitator between the Bureau and the family members.

d) Investigation

1. The Chief of Investigations will designate a responsible party for the direction of any investigation of an employee involved in an on-duty death or life threatening injury. Even when there is no indication of a crime or suspicious circumstances, the death or life threatening injury to a Bureau employee should be thoroughly investigated.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



2. Notification to the Federal Bureau of Investigation is required for the death of an on-duty peace officer. The Chief of Investigations or designee will be the responsible party to make such notification.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DRESS STANDARDS

1) POLICY

The bureau of investigation fosters and maintains the highest standards of professional image, conduct, and personal appearance. Personnel are expected to maintain these standards at all times except under special circumstances dictated by policy.

2) PROCEDURE

All personnel:

- a) Clothing standards shall be business casual, modest, and professional at all times: Business casual is considered slacks or tactical pants with a collared shirt for men and similar appropriate business attire for women.
- b) Clothing shall be neat, clean, and in good repair. Shoes should be clean or polished and in good repair.
- c) Grooming standards including makeup, jewelry, and hairstyles shall reflect a professional appearance. Hair (including facial hair) must be clean, neat, and properly trimmed.
- d) Personal hygiene standards must be exemplary.

3) SPECIAL CIRCUMSTANCES AND EXCEPTIONS:

Alternate Dress:

With prior supervisory approval, alternate dress may be worn in special circumstances such as the following:



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- a) Law Enforcement specific training
- b) Search and/or arrest warrant operations
- c) Emergency Operations Center security operations
- d) Child recoveries – local
- e) Field Operations

4) COURT ATTIRE

- a) When subpoenaed to testify in court, with advance knowledge, all employees will wear a suit and tie. However in instances when employees are called to testify on short notice, normal duty uniforms are acceptable.

Employees may be ordered home to comply with any violated provisions of this policy.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



EMERGENCY DRIVING AND VEHICLE STOPS

1) PROCEDURE

a) Emergency Response (Code-3) Driving

- 1) Emergency response driving is defined as driving an emergency vehicle with the emergency lighting system and siren activated when responding to a reported life-threatening situation.
- 2) Emergency response driving is allowed only in properly equipped vehicles while complying with the red light and siren requirements as defined by California Vehicle Code section 21055. Investigators responding to emergencies in this manner are exempt from compliance with the rules of the road; however, investigators must drive with due regard and caution for the safety of all persons using the highway as required by California Vehicle Code sections 21056 and 21807.
- 3) Emergency response driving in vehicles without the proper emergency equipment is prohibited.

b) Vehicle Stops and Failure to Yield

- 1) Sworn Investigators operate unmarked vehicles equipped with a siren and red light that provide the ability to make vehicle stops to aid in enforcement activity and/or the detention of suspects.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



2) Investigators should request assistance from the jurisdictional law enforcement agency in instances where a subject fails to yield to the Investigator's emergency equipment. Attempts to stop the subject should cease when the subject drives in a manner that is unlawful and endangers public safety.

c) Radio Procedure

1) Investigators must notify dispatch when they drive in emergency response mode, make a traffic stop, or encounter a failure to yield situation. The notification should include all factual information relevant to that activity.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DEPARTMENT FACILITIES AND EQUIPMENT

- 1) Department-owned materials, property, and equipment shall not be used for personal profit, business profit, the profit of others, or for personal use unless approved in advance by the Chief of Investigations or designee.
- 2) Employees using department equipment or property shall be responsible for its proper maintenance and operation.
- 3) Employees shall report to their supervisor immediately, or as soon as is reasonably possible the damage, loss, or unserviceable condition of any equipment or property issued to them.
- 4) Employees may be subject to reimbursement charges and disciplinary action for damage or loss of any department equipment.
- 5) Employees shall not mark, alter, or deface departmental facilities, equipment, property, or materials.
- 6) The department issues a badge, a flat badge and identification cards for official use by investigators.
- 7) Employees shall not use official letterhead stationery for personal correspondence.
- 8) Employees shall not use the department mailing address for private or personal business or correspondence.

ISSUED EQUIPMENT

The following equipment will be issued by the District Attorney's Office to all Investigators:

- a) Ballistic vest and a raid cover



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- b) Handgun and holster
- c) Rifle
- d) Radio
- e) Flashlight
- f) District Attorney logo clothing including jacket, polo shirt and hat
- g) Pepper spray
- h) Cellphone
- i) Vehicle



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



FIREARMS AND WEAPONS

1) POLICY

a) Firearms Use Policy

Firearms shall be used only when the Investigator believes his life, or the life of another, is in imminent danger, or in danger of great bodily harm, or when all other reasonable means of apprehension have failed to prevent the escape of a felony suspect who the Investigator believes presents a serious danger to others, where the felony involved includes the use or threatened use of deadly force.

b) Use of force issues and guidelines are located in policy "Officer-Involved Use of Force." Nothing in this policy is intended to prevent an investigator from exercising discretion and good judgment in the use of force, firearms, and/or weapons when the life of a citizen, fellow peace officer, or their own life is in immediate danger.

2) PROCEDURES

a) Employee Conduct—General

1. Employees shall adhere to all firearms and weapons policies.
2. Investigators shall exercise good judgment in the handling and carrying of any weapons/firearms with due consideration for all safety factors.
3. Employees shall not carry any weapons or firearms unless authorized to do so by the department.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



4. Employees shall not carry any weapons/firearms while under the influence of alcohol and/or drugs. Employees shall adhere to Mendocino County's alcohol and drug use policies as well as Section "Intoxication and Drug Policy."

(a) It is the employee's responsibility to notify his/her supervisor in the event that they are called back to duty after hours if, due to the consumption of alcohol, intoxicating liquor, or legally prescribed medication and/or over-the-counter medication or drugs, they believe that they are impaired or unable to perform their job as described.

5. Inappropriate conduct with firearms/weapons is prohibited. The pointing or careless display of weapons, or any other careless conduct while on or off duty or in any department facility may result in strict disciplinary action pursuant to the provisions of existing employee M.O.U.'s.

6. Acting as a peace officer in other jurisdictions the shooting policy of this office applies in all other jurisdictions.

b) Reporting the Use of Force/Weapons

Reportable uses of force are described in policy "Officer-Involved Use of Force." Reporting and notification procedures in that policy shall be followed.

c) Carrying Weapons/Firearms/Safety Equipment

1. On-duty

(a) Sworn investigators shall be armed with their duty firearm while on-duty except as prohibited by law or departmental policy. For purposes of this section, "armed" shall mean carrying their



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



duty firearm on their person.

(b) Supervisors may require additional safety equipment or other items to be worn/carried such as cellular phones, 800 mhz radios, handcuffs, etc. as assignments and circumstances dictate.

2. Off-duty

The carrying of firearms/weapons off-duty by sworn Investigators is recommended.

3. Non-sworn personnel are prohibited from carrying defensive weapons unless authorized to do so by the Chief of Investigations or designee.

4. Exceptions to this policy must be authorized by a supervisor.

d) Firearms

1. Drawing firearms

(a) Investigators may draw a firearm when arresting or attempting to arrest any person(s) whom they believe are about to commit, in the process of committing, or who has recently committed a felonious crime; or in any situation where there is likelihood of danger to the investigator or other persons.

(b) The drawing of firearms during supervised training shall be in accordance with procedures established by the rangemaster or designee for that purpose.

2. Discharging of firearms

An Investigator of this department shall not discharge a firearm or use any other type of deadly force in the performance of his/her duties, except under the following circumstances:



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- (a) In accordance with existing firearms and use of force policies.
- (b) To kill a dangerous animal that is attacking the Investigator or another person or persons, or which, if allowed to escape, presents a danger to the public.
- (c) When humanity requires the destruction of an animal to save it from further suffering and other disposition is not possible, however, with prior permission of the owner and/or approval of the supervisor and when the surroundings are such that it would not be a hazard to person(s) or property.
- (d) For target practice at an approved range or in unrestricted areas.
- (e) To give an alarm or call assistance in a life endangering situation when no other means are available.

3. Prohibited discharge of firearms

A member of the department shall not discharge a firearm under the following circumstances:

- (a) As a warning shot.
- (b) From or at a moving vehicle unless the circumstances come within the provisions of the previously stated policy and can be accomplished without endangering other persons.

4. Authorized firearms

- (a) The department will issue a duty firearm, rifle and appropriate ammunition. Any modifications made to department issued or optional weapons must be pre-approved by the Chief of Investigations and inspected by the rangemaster/armorer prior to any use by the employee.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



(b) Employees shall only carry on-duty holsters approved by the rangemaster/armorer.

5. Prohibited ammunition

All ammunition shall be approved and issued by the Bureau rangemaster.

6. Firearms qualification

(a) Sworn employees must qualify with each issued weapon they intend to carry on-duty at the direction of the rangemaster. Employees are strongly encouraged to maintain proficiency with any weapon(s) they intend to carry off-duty.

(b) An employee who is carrying any approved firearm under the conditions of employment must be currently qualified with the firearm. For on-duty weapons, "currently qualified" mean that the employee has met one of the two following criteria:

(1) The employee qualified with the department issued or approved firearm when undergoing initial training and orientation by a department rangemaster.

(2) The employee qualified with the firearm during scheduled qualifications.

(c) For off-duty weapons "currently qualified" means that the employee must demonstrate proficiency with the weapon on a bi-annual basis.

(d) Unless there is an authorized excused absence, an employee is "currently qualified" from the date of the last scheduled qualification through the next scheduled firearms qualification.

(e) If an employee fails to qualify with the weapon during



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



scheduled qualifications exercises, the employee is no longer qualified with the firearm and may not carry it.

(f) The employee's supervisor and the Chief of Investigations must be notified immediately of failures to qualify. Steps will be taken immediately or as soon as practical to correct any problems or deficiencies and the employee may be temporarily suspended, reassigned, and/or subject to discipline.

(g) Any exceptions must be approved by the Chief of Investigations or designee.

(h) The rangemaster must maintain a log of the type of weapon(s) and ammunition being used by investigators.

7. Department identification

(a) On-duty investigators who are armed with weapons in plain view of the public shall display their badge and/or other means of identification in a manner that clearly identifies them as peace officers.

(b) Investigators who are armed while off-duty shall carry their department issued badge and identification.

(c) This section shall not apply to investigators working undercover or otherwise exempted with the prior knowledge and approval of a supervisor.

8. Airlines or interstate common carrier

Carrying weapons on airlines or interstate common carriers while on-duty requires prior approval by the Chief of Investigations through the chain of command. Additionally any investigator wishing to fly armed must complete the mandatory TSA Flying Armed Training. Any federal or carrier regulations shall apply.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



e) Prohibited Weapons

Gas pen pistols, gas guns, saps, blackjacks, tasers, stun guns, palm saps, weighted gloves, and other weapons not issued by this department are not to be carried or used by department personnel unless authorized to do so by the Chief of Investigations.

f) Use of Oleoresin Capsicum (OC or Pepper Spray)

1. Authorized personnel

Investigators may use department issued Oleoresin Capsicum (OC) substances only after completing a course of training approved by the department or Chief of Investigations. A similarly approved OC training course attended by the employee prior to service with this department is sufficient.

2. Authorized use

OC shall be used in conformance with policy "Officer-Involved Use of Force" as a defensive control weapon.

3. Authorized equipment

(a) Employees shall only carry OC authorized and issued by the department.

(b) Employees shall maintain the OC in good condition.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



PHYSICAL, MEDICAL AND PSYCHOLOGICAL FITNESS EXAMINATIONS

1) POLICY

Physical, medical, and psychological fitness for duty evaluations may be used when an employee exhibits a physical condition, medical condition, or personal behavior that raises questions whether he or she is physically, medically, or psychologically fit to carry out their public safety duties or other duties and responsibilities of their regular job classification.

2) PROGRAM

a. This policy establishes consistent procedures for ordering and implementing physical, medical, and psychological fitness for duty evaluations of personnel involved in public safety functions and other duties and responsibilities of the District Attorney's Bureau of Investigations.

b. This policy provides a mechanism for the assessment of an employee's physical, mental, and emotional ability to perform essential functions of the position when the employee's physical fitness, conduct, behavior, or other circumstances indicate that continued service by the employee may pose a threat to public safety, the safety of other employees, the safety of the particular employee, or may interfere with the department's ability to deliver effective prosecution support services.

c. This policy ensures compliance with California law. California Government Code Section 1031(f) mandates that all peace officers in California "[b]e found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer." As a practical matter, the same concerns relate to all



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



employee classifications within the Bureau of Investigations.

d. It is not the intention of this policy to interfere with a supervisor's ability to recommend or suggest personal counseling to a subordinate, nor alter or replace confidential counseling provided by the department as a result of critical incidents (refer to Section 500.18).

3) PROCEDURE

a. Criteria.

All supervisory employees should be alert to any indication that an employee may not be physically, emotionally, or mentally fit to perform their work. Such indications may include, but are not limited to the following factors.

1. One or more personnel complaints regarding the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating an inability to exercise self control and self discipline.
2. An abrupt and negative change in customary behavior, which results in an inability to perform essential functions of the position.
3. Irrational verbal conduct or behaviors, including delusions and hallucinations.
4. Suicidal statements or behaviors, or personal expressions of mental instability.
5. Unexplained and excessive tiredness or hyperactivity.
6. Dramatic change in eating patterns resulting in sudden weight loss or gain, or diagnosis of a life threatening eating disorder.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



7. Change in behavior patterns regarding personal hygiene and health.
8. Inappropriate use of alcohol, medications or other drugs, including symptoms of illegal drug use.
9. Memory losses.
10. Impatience or impulsiveness, especially when combined with a loss of temper or self control
11. A pattern of conduct indicating a possible inability or decrease in ability to defuse tense situations.
12. A tendency to escalate tense situations or create confrontations rather than suppressing them.
13. Unexplained and inappropriate excessive lateness, absenteeism, or inattention to duties.
14. Any other factor or combination of factors that causes a supervisor to reasonably suspect a medical or psychological fitness for duty evaluation may be necessary.
15. While there is a great variety and range of acceptable behavior among employees, dramatic or sudden changes in any particular employee's customary behavior may increase concern.
16. The mere presence of any one of the above factors or combination of factors may not be sufficient to order the evaluation. However, such indicators should not be ignored and may lead to the ordering of a fitness for duty evaluation.

b. Reporting.

Any circumstances indicating that the physical, emotional, or mental



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



fitness of an employee may be in question shall be reported immediately to a supervisor or designee. The supervisor should first meet with the employee to discuss the concern unless in the supervisor's opinion doing so would aggravate the situation. The involved supervisor or designee shall contact the Chief of Investigations and prepare a written report of the circumstances, if so directed.

c. Relief from Duty.

In aggravated circumstances, such as when an employee's physical condition or emotional or psychological conduct immediately or directly threatens the safety of others or the safety of the workplace, a supervisor or designee, or a superior officer may immediately relieve the employee of duty pending further evaluation.

1. The employee's supervisor or designee, or a superior officer may seize any readily accessible or department provided weapon(s). Identification cards or other department property for safekeeping. The employee may be ordered not to exercise peace officer or other official powers pending completion of a fitness for duty evaluation.
2. The employee shall be notified by the supervisor or designee, or by the superior officer taking such action, either verbally or in writing, to report to the office of the Chief of Investigations at such time as may be required to deliver further notification or instructions from the department to the employee.
3. Nothing in this section is intended to prevent or limit a supervisor or designee from taking any emergency action reasonably necessary to protect life or property.

d. Order for the Evaluation.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



1. The Chief of Investigations or designee may determine that a physical, medical, or psychological fitness for duty evaluation may be warranted. If an examination is warranted it shall be scheduled for the earliest opportunity and shall be at the department's expense.
2. The employee shall be given a written directive order to submit to the fitness for duty evaluation. Such order shall include:
 - (a) A brief description of the reason(s) for the evaluation.
 - (b) The date, time, and place of the evaluation.
 - (c) The name of the medical or mental health professional conducting the evaluation.
 - (d) A directive order to cooperate fully and truthfully with the requests of the medical or mental health professional or staff.
 - (e) Notice that the evaluation is being conducted for use by the department only.
 - (f) Notice that the evaluation is confidential between the employee and the evaluator to the extent required by the Confidentiality of Medical Information Act (Civil Code Section 56 et. seq.), which allows the evaluator to release limited information to the department.
3. A sample directive order/letter—Fitness for Duty Evaluation, is shown at the end of this policy.

e. Requirements for the Evaluator.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



1. A licensed medical or mental health provider shall conduct the evaluation.
 2. Evaluators for peace officers must meet the requirements of 1031 (f) of the Government Code, which requires that physical, emotional, or mental condition of peace officers "shall be evaluated by a licensed physician and surgeon or a licensed psychologist with a doctors degree in psychology and at least five (5) years of postgraduate experience in the diagnosis and treatment of mental disorders."
 3. The department will provide the medical or mental health provider with all information relating to the circumstances giving rise to the concern about the employee's physical, mental, or emotional fitness for duty.
 4. The evaluator shall be instructed by the department to only release that information as allowed under this policy or as otherwise required by law.
 5. The findings shall be reported orally or in writing directly to the District Attorney and Chief of Investigations or their designees.
- f. Limited Scope of Report.
1. The evaluation is ordered by and conducted for the department. The department, therefore, has a right to information that is necessary to achieve a legitimate purpose.
 2. The medical or mental health professional engaged to perform a fitness for duty examination is not being consulted by a referred employee for treatment or diagnosis, but is engaged by the department to evaluate the employee's physical, mental, and emotional fitness for duty. There will be no physician-patient or psychotherapist-patient relationship between the medical or mental health professional and the employee, and no privilege of any kind



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



will exist as to any information supplied to the medical or mental health professional for any purpose.

3. The findings of the evaluation shall be reported orally or in writing directly to the Chief of Investigations as a confidential personnel record. The report and information received by the department shall be limited to:

- (a) A conclusion regarding the determination of the employee's fitness for duty.
- (b) A description of the functional limitations of the employee, if any.
- (c) Whether the condition that leads to the functional limitations is industrial or non-industrial in nature.
- (d) Other information to the extent authorized by law, which is necessary to achieve the legitimate purpose of the department.
- (e) No statement of medical cause shall be included.
- (f) Exception.

1. Where the employee has initiated a lawsuit, arbitration, grievance, worker's compensation, or other claim or challenge involving his or her medical history, mental or physical condition, or treatment, the report may contain information that is relevant to that action.

2. An employee may waive in writing any or all restrictions on the information reported by the evaluator to the department.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



g. Disposition of Report.

1. The department shall establish appropriate procedures to protect the information from unauthorized use or disclosure. Any written evaluation report submitted by the medical or mental health professional to the department concerning an employee referred for a fitness for duty examination shall be returned to and retained by the examiner.
2. The evaluator's report may only be used or disclosed to the extent authorized or compelled by law or agreement.

h. Refusal to Comply

1. Refusal to comply with an order to submit to a fitness for duty examination, or any of its parts, or with the reasonable requests of the evaluator or staff, shall be deemed insubordination, and shall be grounds for disciplinary action, up to and including termination pursuant to the provisions of existing employee M.O.U.'s.
2. Any and all statements made by the employee to the evaluator shall be considered compelled and may not be used in a criminal or civil proceeding against the employee except as otherwise provided by law.

j. Disposition.

Based upon the results of the fitness for duty evaluation and the recommendations(s) of the evaluator, the department may:

1. Return the employee to full duty.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



2. Place the employee on temporary light duty to the extent that such a position or assignment is available at the discretion of the department.
3. Remove the employee from any duties pending treatment and reevaluation.
4. Conditionally allow full or modified duty on receipt of treatment.
5. Institute or resume disciplinary proceedings as appropriate.
6. Institute proceedings to terminate employment, or when appropriate, offer an alternative position for which the employee may be qualified, at the discretion of the department.

Where possible, it is always the department's intent to rehabilitate an employee and achieve a return to full duty status.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



LAWFULNESS OF ORDERS

- 1) All orders issued by a supervisor are presumed to be lawful. No supervisor shall knowingly and willfully issue any order in violation of any law, ordinance, or departmental regulation or policy.
- 2) Employees shall obey orders promptly and willingly. An unlawful order by a supervisor shall not be obeyed. The employee receiving the unlawful order shall point out the unlawfulness to the supervisor for the purposes of alternative orders.
- 3) The failure or deliberate refusal of any employee to obey an order given by a supervisory officer of the department shall be deemed insubordination. Flouting the authority of any supervisory officer by wanton disrespect or by disputing his orders is also insubordination. Insubordination may be cause for dismissal from the department.
- 4) An employee who has been given an order and subsequently given a conflicting order shall call this fact to the attention of the person giving the second order. The supervisor issuing the second order has the authority to direct the sequence in which the orders shall be accomplished. The employee has the right of appeal after orders have been followed.
- 5) Employees who are given lawful orders they feel are unjust or in contradiction to rules, regulations, policies or general orders, shall first obey the order to the best of their ability and then may appeal the order.
- 6) Appeal to an order shall be made in writing to the Chief of Investigations or designee via the chain of command. The employee must state all circumstances in appeal and justify the appeal. If the appeal involves the disciplinary process, refer to the employee's M.O.U. disciplinary process.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



LIGHT DUTY POLICY

1) PURPOSE: The Bureau of Investigations recognizes the value of its employees and wishes to facilitate early return to work whenever it is medically feasible. The Chief Investigator will work with Bureau employees and their treating physician to accommodate work restrictions and provide temporary light duty assignments whenever possible. Employees are not considered as "Working-out-of-class" while on temporary light duty assignments.

2) REASONABLE EFFORTS TO PROVIDE: Whenever the treating physician releases an employee to light duty and identifies in writing the applicable work restrictions and when requested in writing by an employee to identify possible temporary assignments, the Bureau will make every reasonable effort to provide a temporary light duty assignment.

3) MAXIMUM DURATION OF LIGHT DUTY ASSIGNMENT: The maximum time that temporary light duty shall be provided is 45 calendar days. Upon written request to and the agreement of the Chief of Investigations and/or the District Attorney, the period of a light duty assignment may be extended for an additional 45 calendar days. The Chief of Investigations and/or the District Attorney shall notify the Personnel Director of any such extension.

4) MEDICAL RESTRICTIONS: While on light duty assignment, employee shall comply with all limitations that have been prescribed by the treating physician and shall make every effort to avoid any activity or action that could aggravate or cause further injury to the existing injury.

5) PERSONNEL RULES, REGULATIONS AND POLICIES APPLICABLE: Except as otherwise specifically addressed herein, all policies, rules, and regulations are applicable during a temporary light duty assignment.

6) SWORN PERSONNEL: There exists a public expectation that a peace officer is available and able to perform all of the usual law enforcement duties of a peace officer, an expectation that peace officers would generally be loath to contradict. Therefore, the



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



following limitations shall apply to sworn personnel while on light duty assignment:

- a) Employee will not wear badge or firearm while on light duty.
- b) Employee will not take any enforcement action unless there is imminent potential of loss of life or serious bodily injury.
- c) Employee will generally be bound to duties within the office.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



OFFICER INVOLVED FATAL INCIDENT

1) POLICY

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

b) The Mendocino County District Attorney's Office recognizes and respects the sanctity and dignity of human life. Vesting officers with authority to use force to protect the public welfare requires a very careful balancing of the rights of all human beings and the interests of law enforcement in resolving a particular situation.

2) PURPOSE

a) These guidelines are provided for two purposes:

1. To provide a resource and guideline for developing effective decision making as to when force may be employed and the type of force that the law will permit.
2. To provide a protocol for a thorough and professional investigation free of conflicts of interest.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



b) California Penal Code section 835a states, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."

c) Investigators must be prudent when applying any use of force techniques. Unreasonable application of force is a violation of California and federal law, which may result in criminal prosecution and/or civil liability for the Investigator. Investigators who violate their agency's policy on use of force may be subject to department discipline.

d) Investigators should clearly understand that the standard for determining whether or not the force applied was reasonable is that conduct which a reasonable peace officer would exercise based upon the information the officer had when the conduct occurred.

3) PROCEDURES

a) Reportable Use of Force Incidents

1. A reportable use of force incident is defined as an incident in which any on-duty or off-duty police employee whose occupation as an employee of a law enforcement agency is a factor, uses a less lethal control device or any force to:

(a) Compel a person to comply with the employee's directions; or

(b) Overcome resistance by a suspect during an arrest or a detention; or



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



(c) Defend himself or herself or any person from an aggressive action by suspect.

2. Reportable use of force does not include:

- (a) The mere presence and identification of police officer status; or
- (b) The use of a firm grip hold which does not result in an injury, complaint of injury, or complaint of pain; or
- (c) That force necessary to overcome passive resistance due to physical disability or intoxication which does not result in injury, complaint of injury; or
- (d) Control holds utilized in conjunction with handcuffing and searching techniques, which do not result in injury, complaint of injury, and did not require any other reportable use of force; or
- (e) Injuries sustained by a suspect as a sole consequence of his/her actions such as, but not limited to, falling while fleeing from officer(s).

3. Employee responsibilities:

Any employee who becomes involved in a reportable use of force incident or discharges a firearm, less lethal munitions, or chemical irritant control device for any reason, other than an approved training exercise should:

- (a) Summon medical aid or render aid, as needed;
- (b) Immediately notify a supervisor that they have been involved in a use of force incident;
- (c) Report the full details of the use of force incident in the related arrest or crime report. Use a "memorandum" form to report the full details of the use of force incident when a crime or arrest report is not required;



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



(1) The report shall be completed prior to the conclusion of the tour of duty.

(2) If injury prevents the employee from completing the report, the report shall be completed as soon as practical.

(3) In approved instances, the employee may submit to an interview in lieu of completing a written report.

(d) Photographs need to be taken in all reportable use of force incidents that result in an injury, or a complaint of injury. If practical, photographs of the subject and the injury should be taken after the injury or wound is cleansed by medical personnel and before medical treatment, if any. Care should be taken to protect the subject's personal privacy interests. Any possible concerns should be discussed with a supervisor prior to taking the photographs;

(e) When off-duty, notify their supervisor or designee without unnecessary delay.

b) Officer-Involved Fatal Incident Definitions

1. Officer-involved fatal incident - An incident where death or serious likelihood of death results, and on-duty or off-duty investigators are involved.

2. Venue agency - The agency, or agencies, within whose geographic jurisdiction the incident occurs.

3. Employing agency - The agency by whom the involved police employee is employed.

4. Principal - A person whose act is a proximate cause of the injury to another person.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



5. Proximate cause - A cause which, in a natural and continuous sequence, produces the injury and without which the injury would not have occurred.

6. Primary investigating agency - The agency to which the venue agency has relinquished responsibility for the investigation.

7. Peace officer - Peace officers are persons defined in Penal Code Section 830 et. al.

8. Police employee - A police employee is any person employed by or voluntarily working for a law enforcement agency including both sworn and non-sworn personnel.

c) District Attorney Personnel as Fatal Incident Principals

1. Criminal Investigation

(a) The appropriate jurisdictional law enforcement agency, in accordance with the Mendocino County Fatal Incident Protocol, California policy, will conduct any necessary criminal investigation. These investigations take precedence over other types of investigations.

(b) Involved employees are required to provide public safety information and cooperate with criminal investigators within applicable laws, policies, and memorandums of understanding.

(c) The Bureau will provide a "companion investigator" for the involved employee. The role of the "companion investigator" will be as follows:

(1) Peer support for the involved employee and to provide such services as obtaining food, beverages and transportation.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



(2) Keep the involved employee mindful not to alter his/her appearance, safety equipment, firearm(s) or ammunition in any way, unless it affects the health and safety of the involved investigator (i.e. blood or chemical contamination).

(3) Conversations between the involved employee and the companion investigator are not privileged. The companion investigator should remove himself/herself out of hearing distance when the involved employee is having a privileged communication with his/her union representative or attorney.

(4) The "companion investigator" **will not** discuss the OIS incident with the involved employee.

2. Administrative Investigation and Review

(a) The Chief of Investigations or designee shall conduct a thorough administrative investigation of every reportable use of force incident.

(b) The purpose of the investigation and review is to determine conformance with departmental policies and procedures and is considered to be a confidential peace officer personnel file.

(c) Interviews of peace officers

(1) Interviews and procedures shall comply with all requirements of the Public Safety Officers Bill of Rights Act, Government Code section 3300 et seq.

(2) Efforts to obtain statements in the criminal investigation should precede statements for the administrative investigation. Statements made during the criminal investigation should be reviewed prior to the



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



administrative interview to avoid duplication of effort.

(3) Employees involved in an officer-involved shooting will be asked to voluntarily submit to the taking of a sample of blood and/or urine.

1. The purpose of the sample will be to confirm the absence of controlled substances, alcohol, or other substances that may have impaired the employee during the incident.

(4) Should the employee choose not to voluntarily submit to the taking of a sample, he/she shall be ordered to submit to a sample.

a. The results of the tests will be used for administrative purposes.

(d) Administrative Leave

1. The Chief of Investigations or his designee will as soon as practical, place the involved employee(s) on paid administrative leave. The involved employee(s) will continue to stay on paid administrative leave status until the conclusion of the investigation or at the direction of the Chief of Investigations or his designee.

(e) Professional Debriefing

1. Following an officer involved fatal incident, the supervisor shall complete a Worker Compensation Package for the involved employee(s).

2. The explanation of injury will state, "For professional debriefing with counseling agency determined by Bureau of Investigation Administration."

3. At the direction of the Chief of Investigations or designee, the



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



involved employee(s) may be directed to attend professional debriefing with a qualified medical professional determined by this agency.

(f) Administrative review

1. Use of force incidents will be reviewed after any criminal and/or administrative investigations are completed by the Chief of Investigations and the District Attorney.

2. If it appears that the actions of the employee(s) may result in disciplinary action, the Chief Investigator will comply with county disciplinary procedures.

3. Civil Investigation

(a) The Chief of Investigations may assign an investigator to work exclusively with the department's legal counsel to assist in the preparation of materials necessary for potential civil litigation.

(b) The investigator will be given reasonable access to all investigative materials. Materials generated in this capacity are considered attorney work product and shall be separately maintained.

4) MENDOCINO COUNTY OFFICER – INVOLVED FATAL INCIDENT PROTOCOL

a) The Mendocino County District Attorney's Office subscribes to the Mendocino County Officer – Involved Fatal Incident Protocol.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



ORGANIZATIONAL AND PERSONAL AFFILIATIONS

1) Membership in legitimate local, state and federal law enforcement associations often contributes to professional and personal growth. Therefore, the department encourages membership in these groups but does not require membership for employment or promotional consideration.

Exception: If the employee is assigned as a departmental representative to a group's meetings, conventions or conferences, the employee's expenses may be paid by the county. The mere act of volunteering to be a member or representative without a determination of departmental need being made by the Chief of Investigations is not sufficient justification for the payment of expenses by the department.

2) Employees shall not affiliate or associate with any person, organization, or group, which may exact prior consideration from said employee and prevent them from functioning ethically, legally, properly and promptly for the department.

3) Whether on duty or off duty, no employee will associate or do business with any person or group who are either known organized crime figures or whose general reputation in the law enforcement or intelligence community is that which would give the appearance the employee may be placed in a compromising position.

Exception: The employee is conducting a criminal or intelligence investigation. In that case, notification shall be made to an immediate supervisor as soon as practical.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



OUTSIDE EMPLOYMENT OR PRIVATE ENTERPRISE

1) PURPOSE

Employees are not prevented from earning outside income, engaging in private business, or investing for profit. However, there are certain restrictions to ensure there are no conflicts of interest and to protect the integrity, efficient operation, and civil liability of the department.

Some limitations and restrictions regarding off duty activities specifically apply to peace officers and are outlined in Government Code sections 1126-1128.

2) POLICY

- a) All outside employment and/or business activity by employees of the Bureau of Investigation must be approved in writing. Such outside activity is secondary to the employee's duties and obligations to this office.
- b) Outside employment creating a conflict of interest will not be approved. Outside employment is in conflict if it:
 1. Brings, or could bring, discredit, ridicule or criticism to the department.
 2. Is in conflict with state statutes.
 3. Gives rise to a conflict of interest with one's official position or duties.
 4. Involves the use for private gain or advantage of the employee's work hours, facilities, equipment and supplies, badge, official identification card, office prestige or influence of this office for employment.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



5. Involves the receipt or acceptance of any money or other consideration from anyone, other than this office, for the performance of an act normally required or expected in the regular course of employment with this office. (Penal Code section 70).
 6. Involves the performance of an act, in other than the employee's official capacity, which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by any other employee of this office.
 7. Involves such time demands as would render the employee's performance of duties less efficient.
- c) Because of the nature of employment in the District Attorney's Office, Bureau of Investigations, the following types of outside employment will not be approved:
1. Involving the service of legal processes.
 2. Where the very nature of the outside employment, or the place where it is performed, is such that it would bring the District Attorney's Office, or the employee, into disrespect, or degrade the dignity of their position.
 3. Private investigations, bail bonds, bounty hunters, reposessor or any outside employment that would assist a principal in any criminal or civil proceedings.
 4. Attorney at law (practice of law).
 5. Bill collector.
 6. Any outside employment where the employee's position as a peace officer is an integral part of the job, including but not limited to, security guard, body guard, and bouncer.
 7. Any outside employment that would or might cause an employee to use or disclose official records, documents or files.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



8. Any outside employment that is directly or indirectly associated with the operation of a tavern, or the transportation, distribution or sale of intoxicating beverages, including sales clerk position in a liquor store.
9. Any employment that would involve an employee in violation of any rule, regulation, policy or procedure of this office, or any ordinance, code or statute.
10. Any employment related to a gaming establishment.

d) Hours and restrictions

1. The Chief of Investigations may limit the number of hours per week an employee may work at outside employment so the employment does not impair or interfere with the employee's ability to efficiently discharge the duties of this office.
2. Outside employment may be disapproved where it appears from the employee's sick or disability leave record, or other evidence that outside employment would interfere with the employee's ability to perform their duties.
3. County time, credentials, weapons, telephones, property, tools, records, confidential information, and vehicles shall not be used in conjunction with any outside employment. The employees shall not identify themselves or associate themselves with this office during the course of performing the outside employment or enterprise. The Chief Investigator may make exceptions for those engaged in approved law enforcement related activities such as teaching criminal justice courses, traffic safety courses, etc.
4. Any employee who engages in outside employment must sign a waiver and certify that they have written permission to engage in work or business activity outside their regular employment with the County of Mendocino, that they have no pending claim against the county for any injury or illness sustained because of, or during such outside employment, or for any aggravation of any injury or illness which was sustained while on regular duty with the county. They must waive any right, title, interest or claim they may have under section



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



4850 of the Labor Code, for any such outside employment injury. (This waiver form is an attachment to the application for outside employment form).

3) PROCEDURE

- a) All outside or secondary employment or income producing business activity must have prior written approval of Chief of Investigations and the District Attorney.
- b) All requests for outside employment or requests to engage in private business must be submitted in writing on the approved office application form to the Chief of Investigations, and be approved in writing prior to accepting or engaging in such activity.
- c) Such requests are renewable during the month of January of each year. It is the employee's responsibility to renew, in writing, or the permission for outside employment is considered canceled.
- d) Any employee who terminates their outside employment during the approved time of such employment shall immediately submit a memorandum to the Chief of Investigations. Reinstatement of outside employment must be approved in the same manner as a new request for outside employment.
- e) All terms and conditions of the outside employment shall be set out, in writing, on the application for employment form and mutually agreed upon by the Chief of Investigations the District Attorney and the employee.
- f) The original application will be maintained in the employee's personnel file. A copy of the application will be returned to the employee indicating approval or disapproval.
- g) Employees who do not receive prior approval to engage in outside employment, or accept employment prior to receiving permission to do so, or who engage in any outside employment listed herein, or determined to be in conflict of interest under this policy and may be subject to disciplinary action, up to and including termination.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- h) Any employee who has been denied the right to engage in outside employment based on the determination that the secondary employment falls within the prohibitions outlined in this policy, may, within five (5) days from the date of notification, appeal to the Chief of Investigations and or the District Attorney.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



PERSONAL CONDUCT

1) GENERAL

- a) Employees, whether on-duty or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior.
- b) Sworn personnel shall enforce laws in a fair and impartial manner.
- c) Employees shall not perform any acts, make any statements, disparaging remarks, or engage in any divisive conduct, oral or written, for publication or otherwise, which tend to:
 - 1. Bring the department or its administrative officers into dispute or ridicule.
 - 2. Criticize the department or its administrative officers in the performance of their official duties.
 - 3. Disrupt or impair the performance of official duties and obligations of the employees of the department.
 - 4. Disrupt morale.
 - 5. Interfere with or subvert the reasonable supervision or proper discipline of employees of the department.
- d) Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation, or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department without approval of the Chief of Investigations and the District Attorney.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- e) Employees shall not solicit or accept, either directly or indirectly, any gift, pass, gratuity, loan or any other thing of value; the acceptance of which could be construed to influence the actions of the said employee in a police action or which could cast an adverse reflection on the department or the vocation.
- f) Employees shall not solicit or accept, either directly or indirectly, any special privileges by means of their position, badge, or identification card.
- g) Employees shall not, for any person's gain or benefit, use their official position to circumvent the criminal justice system or a governmental entity.
- h) Employees shall, as soon as is practical, notify the Chief Investigator via the chain of command of the circumstances surrounding the employee acting as bailor or facilitating the bail of a person in custody. Employees shall not act as bailors for any person in custody where any fee, gratuity or reward is solicited or accepted.
- i) Employees shall not buy, accept, or receive any article for personal disposition from any suspect or prisoner or from any associate of any suspect or prisoner.
- j) When acting in an official capacity, employees shall not suggest or recommend any attorney or bail bondsman to any person.
- k) Employees shall not reveal any information in their possession, which may enable anyone to escape detection, arrest or prosecution, or enable anyone to destroy evidence, or destroy or secrete stolen property.
- l) Employees shall not make, either verbally or in writing, an unlawful or untruthful report.
- m) Employees shall arrange their personal and financial affairs in such a manner that the department is not contacted by creditors, collection agencies, or similar companies.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- n) Employees shall not initiate any civil actions arising out of their official duties without first notifying the Chief of Investigations in writing via the chain of command.
- o) Employees shall not accept any form of payment for any activity arising out of their official employment except as specifically authorized by the department.
- p) Employees shall not conduct personal business while on duty.
- q) Employees shall not engage in conduct, which tends to disrupt the working environment of the office.
- r) Failure of an employee either willfully, or through incompetence, inefficiency, or negligence, to perform the duties of their rank or assignment may be considered "sufficient cause" for disciplinary action up to and including termination pursuant to the current provisions of the M.O.U. of each employee's bargaining unit.

2) LEGAL ADVICE

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

3) SLEEPING AND LOITERING

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



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



**4) CONTACT WITH LAW ENFORCEMENT/OFF-DUTY ENFORCEMENT
ACTIVITY**

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

b) Any Bureau investigator who becomes involved with any off-duty law enforcement action causing them to act in their official capacity as a law enforcement officer shall notify their supervisor of such incident as soon as practical. Supervisors receiving such information shall inform the District Attorney as soon as possible.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



POLITICAL ACTIVITY

1) POLICY

The department does not intend to restrict an employee's constitutional rights to work on their own time for political candidates and issues, or to seek public office. However, all political activity must remain completely separate from the department. No county time or resources shall be used for any such activity. No endorsements shall be given utilizing the name of the office or office affiliation without the prior approval of the Chief of Investigations **and** the District Attorney. The employee shall be familiar with all laws relating to conflict of interest and Election Code violations, in particular those areas pertaining to public employees and peace officers.

2) PROCEDURE

a) The Chief of Investigations shall be notified through the chain of command as soon as reasonably possible when an employee intends to engage in outside political activity or run for political office wherein potential conflicts of interests may occur. Questions of potential conflict should be discussed with the chief of investigators for the protection of the employee and the interests of the department.

b) This section shall not prevent an employee from engaging in approved activities when acting as a designated representative of the department in an official capacity such as working on law enforcement related legislation, testifying before the legislature or other government bodies on law enforcement issues and legislation, or engaging in department-approved professional law enforcement association's legislative programs.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



c) Employees shall not engage in improper political activity as described in state law. Applicable Government Code sections are:

1. 3203 G.C.

No restriction shall be placed on the political activities of an employee of a local agency except as provided by state law.

2. 3204 G.C.

An employee shall not use their office, authority, or influence to obtain favor or compensation through a corrupt consideration or condition.

3. 3205 G.C.

An employee shall not solicit political funds or contributions from fellow employees while in the workplace.

4. 3206 G.C.

An employee shall not participate in political activities while in uniform.

5. 3207 G.C.

The department may establish rules and regulations restricting an employee's political activities during working hours or on the work premises.

6. 3209 G.C.

Nothing in the Government Code prevents an employee from soliciting or receiving political funds to promote a ballot measure affecting the employee's working conditions. The employer may limit this activity or access to governmental offices during work hours.

Also, refer to the Peace Officers Procedural Bill of Rights Act in the California Government Code, Chapter 9.7, sections 3300-3311 for further information.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



POST TRAUMA INCIDENTS

1) GENERAL

Recognizing that bureau employees may become involved in incidents, which are unique, emotionally traumatic, and stressful, the following procedure shall apply.

2) PROCEDURE

a) Psychological services are available to those employees who, as a result of the performance of their duties, are subjected to any of the following:

1. Serious injury, death, or suicide of department personnel.
2. Officer-involved shooting incidents, which result in the wounding or death of another person.
3. Any officer-involved shooting incident or assault where the officer may feel anxiety about returning to duty, whether or not an injury was suffered.
4. Any incident involving serious injury or death of a child.
5. Any incident involving exposure to AIDS, or the possibility of contracting Hepatitis or other infectious diseases.
6. Major traffic collisions or any other incidents in which the employee was directly or indirectly involved which results in multiple injuries or fatalities.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



7. Any incident where the employee knows the victim(s) of serious injury or death.
 8. Any critical incident with circumstances or working conditions likely to produce high levels of immediate or delayed emotional reactions (i.e. catastrophic earthquake, airline crash, etc.).
 9. Any other situation considered by the Chief of Investigations to be traumatic in nature.
-
- b) This policy and procedure shall also apply to those employees indirectly involved such as partners of involved employees, other employees at the scene, etc., when the need for counseling or psychological evaluation is identified. In addition to the partner and other employees, joint session with spouses or other family members may be authorized at the discretion of the Chief of Investigations.
 - c) Situations considered by the Chief of Investigations to be traumatic to the Bureau employee involved will result in an immediate notification to the Bureau psychologist/psychiatrist.
 - d) The Bureau employee will be required to visit a psychologist/psychiatrist within 12 hours and no later than 24 hours of the incident, or if injured when a physician gives clearance. Continued counseling will be on the recommendation of the psychologist/psychiatrist.
 - e) Any Bureau employee involved in a traumatic incident may be reassigned to "light duty" or receive a paid leave of absence for a minimum of two days.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- f) Psychological consultations and evaluations authorized in this procedure will be at the county's expense. Records of consultations and evaluations will be kept in strict confidence, in line with existing legal privileges.
- g) Follow up sessions can be directly arranged by the employee with the psychologist/psychiatrist and need not be requested by administrative or supervisory personnel. These contacts are confidential and no reports are forwarded to the department. Exceptions to this would be fitness for duty evaluations and mandatory reporting exceptions to the confidentiality rule such as homicidal tendencies, suicidal tendencies, child abuse, and elder or dependent adult abuse.
- h) Fitness for duty:
 - 1. A set forth in Government Code section 1031(f), if a peace officer exhibits physical, emotional, or mental conditions, which might adversely affect his ability to exercise the powers of a peace officer, a fitness for duty evaluation may be required by the department. Fitness for duty evaluations can be requested by the Chief of Investigations or designee and be conducted by a county approved licensed provider specialist. The findings shall be reported in writing directly to the Chief of Investigations.
 - 2. If the Chief of Investigations determines that it is appropriate to refer an employee for psychological examination and evaluation of such an employee's mental or emotional fitness for duty, the Chief of Investigations or designee shall issue an order in writing to the employee indicating the date, time, and place of such examination and in brief form, the factual circumstances giving rise to the concern about the employee's mental or emotional fitness for duty. Any psychologist to whom an employee is ordered to report for fitness for duty examination and evaluation shall meet or exceed the minimum standards prescribed by Government Code section 1031(f).



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



3. The psychologist engaged to perform fitness for duty mental and emotional examinations is not being consulted by a referred employee for treatment or diagnosis, but is engaged by the bureau of investigation to evaluate the employee's mental and emotional fitness for duty. There will be no psychotherapist-patient relationship between the psychologist and the employee, and no privilege of any kind will exist as to any information supplied to the psychologist for any purpose.

4. In order to facilitate the psychologist's examination of any referred employee, the department will provide to the psychologist all information relating to the circumstances giving rise to the concern about the employee's mental or emotional fitness for duty.

5. The evaluation report submitted by the psychologist to the department concerning an employee referred for a fitness for duty examination shall be returned to and retained by the examiner, as with pre-employment tests. Any employee ordered to undergo a psychological fitness for duty examination shall comply with the terms of said order or may be subject to disciplinary action.

6. Traumatic situations vary and may require individual assessment or modification. Nothing in this policy and procedure prevents the Chief of Investigations or designee from exercising discretion in the evaluation of each incident and the application of this policy and procedure.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



REPORTING FOR DUTY

1) DUTY TIME OF EMPLOYEES

- a) Employees shall report for duty promptly and properly at the time specified by their supervisor. Any adjustments shall have prior supervisory approval.
- b) All sworn investigators are peace officers vested with police powers and are considered "on duty" pursuant to 830.1 P.C.
- c) The Chief of Investigations will set the working hours to suit the needs of the department. Work shifts are negotiated by labor bargaining units and the department and are set forth in each employee's respective bargaining unit's M.O.U.
- d) Overtime may be authorized pursuant to individual bargaining unit's M.O.U. and guidelines established by the District Attorney and/or Chief of Investigations.
- e) All investigators shall have an operational telephone at their residence. Investigators shall report any change of telephone number or address to their supervisor within 24 hours.

2) EMPLOYEE ABSENCE

- a) Sick leave shall be used only for its intended purpose. If necessary sick leave may require a certificate of a physician or other proof of illness satisfactory to the District Attorney and/or Chief of Investigations.
- b) The employee's immediate supervisor shall review and either approve or disapprove the sick leave usage. Any disapproval after review shall



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



constitute an unauthorized absence pursuant to the M.O.U. of each employee group.

c) Injury or illness occurring to any employee in the course of department employment shall be handled in compliance with state law, county ordinance and bargaining unit M.O.U.

d) Employee absence due to the death or imminent death of a member of the employee's immediate family shall be allowed time with pay in accordance with the employee's bargaining unit M.O.U.

e) Absence without pay may be allowed upon application through chain of command to the Chief of Investigations or the District Attorney. The District Attorney, at his/her discretion and upon recommendation of the employee's supervisor, may grant such leave.

f) Military leave is governed by provisions of the Military and Veteran's Code (refer to The Uniformed Services Employment and Reemployment Rights Act of 1994, Title 38, United States Code, chapter 43).

g) Employees compelled to be absent from duty, for any reason, shall notify their supervisor, or any other Bureau supervisor or designee, as soon as reasonably possible. Failure to properly notify their supervisor shall be deemed misconduct.

h) Pregnancy time off for an employee will be governed by state law and the employee's bargaining unit M.O.U.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



SEXUAL HARASSMENT

POLICY

This is a professional office dedicated to serving the community trust. All members in this office are personally responsible for doing their part in creating, maintaining, and enhancing community confidence in the integrity of this institution.

All members of the Mendocino County District Attorney's Office are personally responsible for creating and maintaining a peaceful and professional work environment where cooperation occurs. Such things as verbal hostility, discourtesy, vulgarity and obscenities will not be tolerated in any form because they disrupt the workplace and undermine human dignity.

In the interest of promoting a work environment free of discriminatory practices, the administration of the district attorney's office deems any act of harassment as unacceptable behavior. It is expected that all employees of the district attorney's office will perform their duties and responsibilities in a professional manner at all times. Harassment complaints may be directed to the employee's supervisor, Chief Investigator, District Attorney, personnel officer or any other person with the authority and responsibility to investigate such complaints. Following the chain of command is recommended unless the alleged perpetrator of the complaint is in the chain. In this event it is permissible and recommended that the violation be reported to the next highest level of authority.

Nothing in this policy is to be construed as to prevent an employee from having an unrestricted and uncompromised avenue of reporting a complaint. Complaints may also be reported to the human resources coordinator or the Equal Employment Opportunity Commission, if necessary.

It is further the policy of the bureau and the department that a full investigation of all complaints will be conducted and the appropriate disciplinary action taken when



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



warranted to ensure compliance. Violations of harassment may result in disciplinary action up to and including termination of employment.

Failure on the part of employees or supervisory officers to take the appropriate immediate action regarding discrimination or harassment shall be grounds for disciplinary action.

The Mendocino County Harassment Policy #23 for all Mendocino County employees can be located at:

<http://www.co.mendocino.ca.us/administration/pdf/23-Sexual%20Harassment.pdf>



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



INITIAL AND SPECIAL INVESTIGATIONS

1) POLICY

- a) It is the policy of the District Attorney that no investigation involving another law enforcement agency, county department, municipal agency or branch of local government shall be conducted without the knowledge, cooperation, request and express consent of the chief, department head, administrator or designee of the agency concerned. Exceptions would include instances of criminal conduct or corruption where the actual administration of that entity or agency is involved and cannot be included or notified because of jeopardy to the investigation or when assisting the Grand Jury where all matters are confidential.
- b) Except under the foregoing criteria, the District Attorney does not conduct secret investigations of other agencies.

2) PROGRAM

The purpose herein is to maintain and insure the trust, integrity, confidence and cooperation of the public, all law enforcement agencies and local government, as well as to provide operational guidelines for all such investigations.

3) PROCEDURE

- a) Investigative Conduct:
 - 1. Conduct of investigative staff at the scene of another agency's investigation, while assisting another agency or during any independent investigation shall be of the highest standards of professional courtesy, cooperation and support.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



2. The relationship, trust, confidence and integrity of other entities is to be maintained at all reasonable costs, with the exception of those actions necessary to accomplish the mission when all other reasonable means have failed.
3. District Attorney Investigators and investigative staff shall not interfere with, investigate or make inquiries into another agency's investigation under any circumstances unless by official assignment or when requested to assist the agency by a representative authorized to make such a request (case agent, supervisor, department head or their designee).
 - b) Informal or In-field Requests:

Investigative staff shall exercise reasonable judgment when requests are made for assistance by other agencies at crime scenes during call-outs. Other requests for investigative assistance shall be directed expeditiously via channels to the Chief of Investigations, or the Assistant Chief of Investigations in the Chief's absence, subject to final approval by the District Attorney or designee.
 - c) Formal Requests:
 1. Formal requests for investigative assistance in criminal matters involving another agency shall be requested by the agency chief, department head or designee in writing directed to the District Attorney or Chief of Investigations as expeditiously as possible. In exigent or emergency circumstances, a verbal request by the agency head or designee may be honored with a written request to follow.
 2. All requests, written or verbal, are subject to approval by the District Attorney, the Chief of Investigations, or their designees.
 - d) Special Investigations



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



1. No special investigation shall be conducted or initiated without the express approval of the District Attorney, the Chief of Investigations, or their designees. The District Attorney may, at his discretion, investigate any matters in any jurisdiction to which criminal or civil penalties apply. His authority in this regard is unlimited and discretionary.

2. In all cases, when an initial investigation in another agency's jurisdiction is deemed necessary by the District Attorney via the Bureau of Investigation, the agency shall be informed and afforded the opportunity to participate in or handle the investigation prior to the development of such investigation.

3. In matters where an agency refuses, relinquishes, or defers responsibility, the District Attorney may opt to conduct initial investigations at his discretion.

e) Joint Investigations – Responsibility:

1. In all cases of investigative assistance provided by the Bureau of Investigations to another agency or entity, investigations shall be conducted jointly with the requesting agency through or with a designated representative of that agency.

2. The Bureau will not take responsibility or authority of the investigation from the agency, except in instances where the agency or its administration is determined to be corrupt or criminally involved.

3. The independence and impartiality of determining criminal involvement is the sole and final authority of the District Attorney.

4. The District Attorney shall assume all authority and responsibility for rendering decisions legal opinions and filing of criminal complaints concerning any entity or agency within his jurisdiction.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



5. No one may institute criminal proceedings without the concurrence and approval of the District Attorney (Government Code 26500 and 26501).

f) Initial Investigations:

1. The central mission and goals of the District Attorney's Bureau of Investigation is trial preparation and investigation of cases already submitted to the District Attorney's office for filing.
2. Generally, the District Attorney and the Bureau of Investigations do not conduct initial investigations of routine criminal matters normally handled by local law enforcement agencies except as noted in the Special Prosecutions Unit, Check Prosecutions Unit, Child Recovery Unit, or in instances where other departments, entities or agencies are unable to investigate for reasons of conflict, inability, shortage of manpower, lack of available expertise in specialized fields, or equipment needs.
3. Nothing in this policy or procedure is construed to prevent an investigator from exercising their best judgment in assisting another agency in exigent or emergency circumstances when all reasonable means to secure authorization or contact their supervisor have failed.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



USE OF DEPARTMENT VEHICLES

1) PROCEDURE

- a) Department vehicles will remain assigned to individual investigators; however, changes in vehicle assignment shall be at the discretion of the Chief of Investigators.
- b) Department vehicles are not to be driven after the consumption of alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively operate a motor vehicle, pursuant to the provisions of Vehicle Code section 23152 et al.
- c) All personnel must comply with the provisions of the vehicle code and rules of the road and drive with due regard and caution for the safety of all persons using the highway.
- d) Department vehicles will not be parked in front of, around, or in the parking lot of any public drinking establishment except when conducting lawful business during duty hours and on authorized investigations.
- e) Department vehicles are not to be driven on days off, vacation days, or holidays, etc., except when on official business and with approval of supervision. Short duration business trips are not an excuse for continued use of a department vehicle during a normal day off or after hours on normal workdays.
- f) All personnel shall wear seat belts at all times when riding in or driving a department vehicle and obey all other rules of the road.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- g) All personnel shall use a hands free device when using a telephone while driving a department vehicle when at all possible.
- h) Passengers in department vehicles are restricted to those persons in need of transportation directly related to department business. Exceptions shall be with the approval of supervision.
- i) Vehicles are subject to periodic inspection by bureau supervision. A vehicle exterior inspection form shall be used to document exterior damage to department vehicles. A copy of the vehicle exterior damage inspection form shall be kept in the glove box of each department vehicle. Damage will be marked on the diagram, dated and initialed by both the employee and supervisor. Any damage to county property shall be reported as outlined and in accordance with the regulations of Mendocino County.
- j) Employees on extended vacation or leave shall make their vehicles available for reassignment. Employees are responsible for the removal of any weapons and personal property from the vehicle during this time period.
- k) Employees are responsible to ensure that scheduled maintenance is performed on their assigned vehicles and that their vehicles are kept in a clean and serviceable condition.
- l) Employees shall comply with existing radio procedures while operating county vehicles.
- m) Employees shall operate department vehicles or vehicles rented while conducting departmental business in compliance with all existing departmental, local, county, and state vehicle and parking restrictions and regulations.
- n) Employees shall conform to the policy and procedures in the Vehicle Pursuit Policy.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



o) Damage to department vehicles shall be reported as soon as possible to the employee's supervisor or designee. A memorandum detailing the damage and the cause of the damage shall be submitted to the employee's supervisor as soon as practical.

p) An employee involved in a traffic collision shall report the circumstances to the appropriate law enforcement agency having jurisdiction as soon as possible. The employee shall notify their supervisor as soon as possible of the circumstances. Besides any law enforcement investigative reports that may be prepared, the employee is responsible to comply with reports and procedures as outlined and in accordance with Mendocino County Policy. If the employee is unable to prepare a memorandum due to injuries sustained in the collision, the employee's supervisor or designee will be responsible to prepare a memorandum of the circumstances and ensure that a County of Mendocino "Vehicle Accident Report" is prepared.

q) Nothing in this policy and procedure is designed to prevent bureau employees from exercising their best judgment in using a department vehicle in the event of emergency or extenuating circumstances. When this occurs, however, bureau supervision shall be notified as soon as is reasonably possible.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



USE OF FORCE

Version: January 20, 2021

PURPOSE AND SCOPE

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

DEFINITIONS

Definitions related to this policy include:

Deadly Force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

POLICY

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

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

The District Attorney's Office recognizes and respects the value of all



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



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

DUTY TO INTERCEDE

Any Investigator present and observing another Investigator or other peace officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An Investigator who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

USE OF FORCE

Investigators shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the Investigator at the time of the event to accomplish a legitimate law enforcement purpose. The reasonableness of force will be judged from the perspective of a reasonable Investigator on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that Investigators are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

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

It is also recognized that circumstances may arise in which Investigators reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the agency. Investigators may find it more effective or reasonable to improvise their response to rapidly



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

USE OF FORCE TO EFFECT AN ARREST

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

FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an Investigator has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to law enforcement members or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the Investigator at the time.
- (c) Investigator/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and/or the number of Investigators available vs. subjects).



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- (d) The conduct of the Investigator leading up to the use of force.
- (e) The effects of drugs or alcohol.
- (f) Subject's mental state or capacity.
- (g) The individual's apparent ability to understand and comply with the Investigator commands.
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other options, such as pepper spray and their possible effectiveness.
- (k) Seriousness of the suspected offense or reason for contact with the individual.
- (l) Training and experience of the Investigators.
- (m) Potential for injury to Investigators, suspects and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the Investigators.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the Investigators or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- (s) Any other exigent circumstances.

PAIN COMPLIANCE TECHNIQUES

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

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

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

CAROTID CONTROL HOLD

The use of the carotid control hold is prohibited pursuant to 7286.5(a) of the Government Code.

USE OF FORCE TO SEIZE EVIDENCE

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



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DE-ESCALATION

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

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

Additionally, when reasonable, Investigators should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force.

DEADLY FORCE APPLICATIONS

If an objectively reasonable Investigator would consider it safe and feasible to do so under the totality of the circumstances, Investigators should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances:

- (a) An Investigator may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury to the Investigator or another person.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- (b) An Investigator may use deadly force to stop a fleeing subject for any felony that threatened or resulted in death or serious bodily injury, if the Investigator reasonable believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the Investigator shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the Investigator has objectively reasonable grounds to believe the person is aware of those facts.

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

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

SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Investigators should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An Investigator should only discharge a firearm at a moving vehicle or its occupants when the Investigator reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the Investigator or others.

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



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



DISPLAY OF FIREARMS

Given individuals might perceive the display of a firearm as a potential application of force, Investigators should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines:

- (a) If the Investigator does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low ready or other position not directed toward and individual.
- (b) If the Investigator reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high risk stop, tactical entry, armed encounter), firearms may be directed toward such a threat until the Investigator no longer perceives a threat.

REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The Investigator should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



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

REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

MEDICAL CONSIDERATION

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

Based upon the Investigator's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another Investigator and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling Investigator shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the Investigator reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved Investigator(s). Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

CHIEF INVESTIGATOR RESPONSIBILITY

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

TRAINING

Investigators will receive periodic training on this policy and demonstrate their knowledge and understanding, as mandated by the Peace Officer Standards and Training (POST).

USE OF FORCE PERSONNEL COMPLAINTS

Citizens wishing to file a personnel complaint against a Mendocino County District Attorney Bureau of Investigations peace officer for a use of force incident shall be directed to the Chief Investigator.

DISCLOSURE OF PUBLIC PERSONNEL RECORDS

Personnel records shall not be disclosed except as allowed by law, pursuant to 832.7 of the Penal Code.

POLICY REVIEW

The Chief Investigator or authorized designee should regularly review and update this policy to reflect developing practices and procedures.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



VEHICLE PURSUITS

1) POLICY

a) Personnel operating department vehicles shall exercise due regard for the safety of all persons. There are no assignments or tasks of such importance that they justify the reckless disregard of the employee's safety or the safety of other persons. Employees must be mindful of the balance between achieving the goals of law enforcement while maintain the publics safety.

b) In rare circumstances, however, a sworn Investigator may initiate a vehicle pursuit in the apprehension and restraint of a felony suspect when, in the investigator's discretion and good judgment, the felony suspect has or is about to commit a crime where a citizen, or an officer's life was or is in imminent peril (see definition below).

2) PROCEDURE

a) Definitions

(1) Vehicle Pursuit

A vehicle pursuit is an event involving a sworn Investigator driving an authorized emergency vehicle in emergency response mode, attempting to apprehend a fleeing felony suspect who is attempting to avoid arrest by using high speed driving or other elusive tactics while operating a motor vehicle.

(2) Imminent Peril

Imminent peril is an immediate, certain, or impending danger that great bodily injury or loss of life has recently or is about to



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



occur or is near at hand. The mere possibility of injury or loss of life is not sufficient. Also, imminent peril is not remote, uncertain, contingent, or the danger created solely by the flight of the suspect.

b) Vehicle Pursuits

(1) A sworn Investigator may only initiate a pursuit in the apprehension and restraint of a felony suspect when, in the Investigator's discretion and good judgment, a citizen, fellow officer or the officer's life is imminent peril as described above.

(2) The sworn Investigator must be driving an emergency vehicle as described in California Vehicle Code section 21055.

(3) Factors to consider:

In addition, the following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) Whether the identity of the offender(s) is known such that they can be apprehended at a later time under safer conditions.

(c) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(d) Pursuing Investigator's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing Investigator under the conditions of the pursuit.

(e) Weather, traffic and road conditions which substantially increase the danger of the pursuit beyond the worth of



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



apprehending the suspect.

(f) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(g) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(h) Availability of other resources such as helicopter assistance.

(i) The pursuing Investigator's vehicle is carrying passengers other than sworn investigators (a pursuit shall not be undertaken with prisoners, witnesses, victims, or non-sworn employees in the vehicle).

(4) When to terminate a pursuit

The "Factors to consider" section above, applies to the decision to terminate as well as the decision to initiate a pursuit. Investigators and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In addition:

(a) The pursuit shall be terminated when directed by a supervisor.

(b) The pursuit shall be terminated when the jurisdictional law enforcement agency is unable to respond and/or take over the pursuit in a timely manner.

(c) The pursuit shall be terminated when a jurisdictional law enforcement agency joins the pursuit, takes over the pursuit, or if a "Breakaway" (see section 9, below) option is initiated.

(d) Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



the Investigator or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

(e) In addition, the following factors should also be considered in deciding whether to terminate a pursuit:

(i) Distance between the pursuing Investigators and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(ii) The pursued vehicle's location is no longer definitely known.

(iii) The investigator's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(5) Evaluating speed

The speed of a pursuit should be evaluated on a continuing basis by the Investigator and supervisor. Investigators and supervisors shall consider the following factors when determining the reasonableness of the speed of the pursuit:

(a) Are the pursuit speeds unsafe for the surrounding conditions?

(b) Are the speeds beyond the driving ability of the Investigator?

(c) Are the speeds beyond the capabilities of the Investigator's vehicle thus making its operation unsafe?

(6) Primary Unit responsibilities

(a) The Investigator initiating the pursuit is designated as the primary pursuit unit and is responsible for the conduct of the



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



pursuit. The Investigator's primary responsibility is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

(b) Notify central dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (i) Reason for the pursuit.
- (ii) Location and direction of travel.
- (iii) Speed and description of the fleeing vehicle.
- (iv) Number and identity of known occupants.
- (v) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (vi) Weather, traffic, safety, and road conditions

(c) The Investigator shall request dispatch to notify the Chief of Investigators of the Investigator's activity.

(e) Broadcast the progress of the pursuit until relieved by a supervisor, the jurisdictional law enforcement agency takes over the pursuit, or a secondary unit joins the pursuit and takes over broadcasting until the jurisdictional law enforcement agency takes over the pursuit.

(f) The Investigator shall contact the Chief of Investigations or if unavailable the Assistant Chief Investigator advising them of the pursuit as soon as practical.

(7) Pursuit driving tactics



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



(a) Investigators, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they can see and avoid hazards and react safely to maneuvers by the fleeing vehicle.

(b) Investigators must drive with due regard and caution for the safety of all persons using the highway as required by California Vehicle Code section 21056 and 21807.

(c) Intervention tactics such as ramming, boxing-in, blocking, heading off, PIT maneuvers, and use of spikes or tack strips are strictly prohibited.

(8) Secondary Unit responsibilities

(a) A properly equipped secondary unit from the District Attorney's Office may join the pursuit until the jurisdictional law enforcement agency takes control of the pursuit.

(b) The Investigator in the secondary unit should immediately notify the dispatcher of entry into the pursuit.

(c) The secondary unit should be responsible for broadcasting the progress of the pursuit unless the situation dictates otherwise.

(d) The secondary unit should remain at a safe distance behind the primary unit unless directed to assume the role of the primary unit or if the primary unit is unable to continue the pursuit.

(e) The secondary unit shall discontinue the pursuit when the jurisdictional law enforcement agency takes control of the pursuit.

(9) Assumption of pursuit by another law enforcement agency

(a) The pursuing unit shall discontinue the pursuit when another



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



law enforcement agency has assumed responsibility for the pursuit or a supervisor from that agency directs the unit to discontinue.

(b) The initiating Investigator should proceed to the termination point to assist in the investigation. A supervisor shall be contacted as soon as practical for approval.

(10) Reporting requirements

(a) The primary Investigator shall complete appropriate crime/arrest reports as well as CHP form 187 (Pursuit Report) for review by the Investigator's supervisor or designee.

(b) The designated supervisor shall ensure that the CHP form 187 is forwarded to the CHP and a copy of the form attached with the appropriate reports or memorandums.

(c) The designated supervisor shall complete a memorandum summarizing all pertinent and factual information regarding the pursuit.

(11) Violation of this policy may be grounds for discipline, up to and including termination of employment.



MENDOCINO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS



WARRANT SERVICE AND ENFORCEMENT PROCEDURES

Sworn Investigators will as part of their employment, conduct warrant services and assist outside agencies in law enforcement actions.

1) POLICY

- a) All employees involved in a law enforcement action, including the service of arrest or search warrants, shall wear all emergency equipment provided by the Bureau. This equipment shall include; clothing that visibly designates the wearer as a law enforcement officer, ballistic armor, radio communication, and firearm.
- b) In all criminal enforcement cases, circumstances permitting, the Investigator shall notify the sheriff's or municipal police department of the location and nature of enforcement action within their jurisdiction.
- c) In all warrant services, employees shall ensure an operation plan is completed and reviewed by all persons on the enforcement team. (This shall be done even if an outside agency is the lead agency in the enforcement action)
- d) In all warrant services, employees should review the warrant affidavit to ensure Probable Cause exists and the items to be seized have been specifically listed.
- e) In all subpoena services, employees should have their badge and gun displayed to ensure our identity as a law enforcement officer is known.

Mendocino County District Attorney's Office

Small Unmanned Aerial System (sUAS)

Deployment Guidelines and Procedures

February 11, 2019

Table of Contents

I.	Preface.....	3
II.	Philosophy and Mission Statement.....	3
III.	Protection of Rights and Privacy	3
IV.	Definitions:	4
V.	Administration.....	4
5.1	Operations Manual.....	4
5.2	Organization	5
5.3	Personnel.....	5
5.4	Scheduling	6
5.5	Miscellaneous.....	6
VI.	Safety.....	7
6.1	Safety Policy	7
6.2	Operational Hazard and Occurrence Report (OHOR) and Investigations	7
6.3	Safety Officer - Operator/Observer/Supervisor	8
6.4	Safety Training.....	8
6.5	Medical Factors	9
VII.	Training.....	9
7.1	Objective	9
7.2	Training Plans	9
7.3	Initial Training.....	9
7.4	Recurrent Training.....	10
7.5	Miscellaneous.....	10
VIII.	General Operating Procedures.....	10
8.1	Requests for sUAS Support	10
8.2	Call-out Procedure.....	11
8.3	Deployment Priorities	12
8.4	Flight Boundaries.....	12
8.5	Minimum Personnel Requirements	13
8.6	Flight Time Limitations	13
8.7	Personnel Responsibilities for Deployments:.....	13
8.8	Personal Equipment	14
IX.	Pre-Flight/Post-Flight Actions.....	14
9.1	Inspections	14
9.2	Weather.....	15
9.3	Documentation and Evidence	15
9.4	Planning	16
9.5	Checklists	16
9.6	Maintenance	16

I. Preface

The following procedures are intended to promote the safe, efficient and lawful operation of the Mendocino County District Attorney's Office small Unmanned Aerial Systems (sUAS). Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission.

II. Philosophy and Mission Statement

Public safety agencies throughout the United States have been using sUASs to provide critical, real-time information and situational awareness during volatile and life-threatening incidents. For example, law enforcement agencies have successfully used sUASs to detect explosives, assess hazardous materials incidents, respond to major disasters, assist with hostage rescues, respond to armed and barricaded suspect calls, and find survivors during search and rescue operations.

The deployment of a sUAS will enhance the Department's ability to protect and serve the citizens of Mendocino County. It can be effective as de-escalation tool in perseverance of life situations, to identify suspect locations that otherwise would be inaccessible without the introduction of an armed officer or K-9 and to locate victims in active shooter or mass casualty incidents, thus increasing the ability to render assistance more quickly without exposing citizens or first responders to undue risk.

The Mendocino County District Attorney's Office has conducted an extensive review of existing sUAS policies, procedures and legal restrictions to develop guidelines and procedures that consider community concerns and privacy interests. The Mendocino County District Attorney's Office remains steadfastly committed to providing public safety by adhering to the law and building public trust.

The use of a sUAS will support first responders in situations which would benefit from an aerial perspective and enable responders and investigators to detect dangers and perspectives that would otherwise not be seen.

III. Protection of Rights and Privacy

sUAS commanders, operators and visual observers will have the protection of citizens' civil rights and reasonable expectations of privacy as a key component of any decision made to deploy the sUAS. sUAS operators and observers will ensure, and will be held accountable for ensuring that operations of the sUAS intrude to a minimal extent upon the citizens of Mendocino County. To accomplish this primary goal, the Mendocino County District Attorney's Office will:

- A. When the sUAS is being flown, the onboard cameras will be turned to focus on the mission area and used for flight navigation. The operator(s) will minimize the inadvertent observation of uninvolved persons and property.
- B. All video and still images will be maintained in strict compliance with Mendocino County District Attorney's Office policies and procedures.

- C. The Mendocino County District Attorney's Office shall not conduct random surveillance activities. The use of the sUAS will be restricted to missions that comply with current FAA law and Mendocino County District Attorney's Office policy.
- D. The authorized missions for the Mendocino County District Attorney's Office sUAS are:
 - 1. Documentation of crime or traffic collision scenes
 - 2. HAZMAT/Disaster (flood, fire, earthquakes, etc.) Response
 - 3. Search and Rescue Missions
 - 4. Barricaded Suspects and other high-risk tactical operations
 - 5. Search/Arrest warrants
 - 6. To assist in the apprehension of criminal suspects
 - 7. Training missions
 - 8. Fire Response
 - 9. Other missions as approved by the District Attorney or Program Manager

PROHIBITED USES

The sUAS shall not be deployed or used in violation of law or Constitution. Unless a lawful exception applies, department personnel should obtain a search warrant or other lawful purpose when required under the fourth amendment or provision of law. The sUAS shall not be deployed when weather conditions or other hazards prevent the safe operation of the aircraft. In addition, the sUAS shall not be deployed in a manner that exceeds the manufacturer's recommendations. Under no circumstance shall the sUAS be deployed or used with any weapons capabilities, including any non-lethal or less-than-lethal weapons systems.

The sUAS shall not be deployed or used with any facial recognition software or analysis capabilities. Unless a legal exception is present, surveillance will not be conducted using the sUAS.

IV. Definitions:

- A. Certificate of Authorization (COA): Authority from the FAA to fly within specific boundaries, perimeters and conditions. Flights cannot take place without either a valid COA or under Part 107 compliance.

V. Administration

5.1 Operations Manual

- A. The policies and procedures contained in this manual are issued by authority of the District Attorney of Mendocino County. As such, it is an official document of the Mendocino County District Attorney's Office.

- B. This manual is not intended to be all-inclusive, but as a supplement to other department guidelines, Federal Aviation Administration regulations, COA, and the aircraft manufacturer's approved flight manual.
- C. The Operations Manual has been written to address sUAS operations as they existed when it was drafted. Equipment, personnel and environment (internal and external) change over time. The management of change involves a systematic approach to monitoring organizational change and is a critical part of the risk management process. Given this, it is essential that this manual be updated as necessary. The entire manual will be reviewed, at a minimum, annually to assure it is up-to-date. Any changes to the manual will be communicated as currently dictated by department policy.

5.2 Organization

- A. The sUAS Team shall be comprised of those personnel approved by Mendocino County District Attorney's Office and includes operators, visual observers and others deemed necessary for the safe operation of the sUAS.
- B. The sUAS unit will be primarily comprised of Mendocino County District Attorney's Office employees who are trained and qualified on the sUAS.

5.3 Personnel

- A. sUAS Team Commander: The Mendocino County District Attorney's Office Chief Investigator shall be responsible for the overall direction and performance of the sUAS Team.
- B. sUAS Team Supervisor: The DA Investigator(s) assigned to the sUAS Team is responsible for the day-to-day supervision of the sUAS Team operations and personnel.
- C. sUAS Team Supervisor Responsibilities:
 - 1. Maintain all training, flight and maintenance records for each operator and observer as well as individual airframes.
 - 2. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
 - 3. Evaluate airframes based on mission needs.
 - 4. Publish, or cause to be published, public notification of sUAS flights over the County of Mendocino as appropriate, based on the operational requirements of the mission.
- D. sUAS Operators:
 - 1. Operators must pass the required training and be certified as remote pilots under Part 107, 14CFR before operating any Mendocino County District Attorney's Office sUAS.

2. Operators interacting with Air Traffic Control (ATC) shall have sufficient expertise to perform that task readily. Operators must have an understanding of and comply with FAA Regulations applicable to the airspace where the sUAS will operate.
3. An Operator's primary duty is the safe and effective operation of the Mendocino County District Attorney's Office sUAS in accordance with the manufacturer's approved flight manual, FAA regulations and agency policy and procedures. Operators must remain knowledgeable of all applicable FAA regulations, sUAS manufacturer's flight manual, firmware updates, manufacturer bulletins and Mendocino County District Attorney's Office policy and procedures.
4. Operators may be temporarily removed from flight status at any time by the sUAS Commander in accordance with Mendocino County District Attorney's Office policies and memoranda of understanding.
5. The Mendocino County District Attorney's Office sUAS Team Supervisor shall maintain copies of FAA certifications and training records for each operator.

E. sUAS Visual Observers:

1. A Visual Observer's primary duty is to operate the sUAS equipment (when equipped with a remote to do so) including cameras, FLIR, radio communications with patrol units and to mitigate interaction with the pilot during active flights. The visual observer will also view the area for obstructions or obstacles and will notify the pilot of what to see and avoid.
2. Visual Observers must assist in operation of the sUAS by clearly communicating to the operator any turning instructions required to stay clear of conflicting air traffic or obstacles. Visual Observers will receive training on rules and responsibilities described in 14 CFR 91.111 (operating near other aircraft), 14 CFR 91.13 (Right-of-Way Rules, cloud clearance, in-flight visibility, and the pilot controller glossary, including standard ATC phraseology and communication).
3. The Mendocino County District Attorney's Office sUAS Team Supervisor shall maintain all copies of FAA certifications, training records, etc. for each Visual Observer.

5.4 Scheduling

- A. To facilitate the broad use of the sUAS, it shall be made available for approved missions.
- B. To maintain a level of proficiency with the sUAS, operators will be required, as part of their acceptance into the sUAS unit, to attend training every 12 months. Training will be coordinated through the sUAS Team Supervisor and announced in advance for scheduling purposes.

5.5 Miscellaneous

- A. Inquiries from the news media will be forwarded to the Public Information Officer (PIO) for the Mendocino County District Attorney's Office. Operators/Observers shall follow currently established department policy regarding interactions and inquiries from the media.
- B. Requests for sUAS support from other government agencies within or outside the County of Mendocino will be forwarded to the sUAS Team Commander and assessed for consideration. Proper policy and procedure, as well as FAA regulations, shall be followed when accepting mutual aid support for the sUAS.

VI. Safety

6.1 Safety Policy

- A. The Mendocino County District Attorney's Office is committed to maintaining a safe and healthy workplace, including:
 - 1. The ongoing pursuit of an accident-free workplace, including no harm to people, no damage to equipment, the environment or property.
 - 2. Support for safety training and awareness programs.
 - 3. Regular audits of safety policies, procedures and practices.
 - 4. Monitoring the sUAS community and allied agency operations to ensure best safety practices are incorporated into the organization.
- B. It is the duty of every member within the sUAS unit to contribute to the goal of continued safe operations. This contribution may come in many forms and includes always operating in the safest manner practicable and never taking unnecessary risks. Any safety hazard, whether procedural, operational or maintenance related should be identified as soon as possible after, if not before, an incident occurs. Any suggestions in the interest of safety should be made to the sUAS unit chain of command.
- C. If any member observes or has knowledge of an unsafe or dangerous act committed by another member, the sUAS Commander is to be notified immediately so that corrective action may be taken.

6.2 Operational Hazard and Occurrence Report (OHOR) and Investigations

- A. Occurrences are unplanned safety-related events, including accidents and incidents that could impact safety. A hazard is something that has the potential to cause harm. The systematic identification and control of all major hazards is foundational to safety.
- B. The OHOR concept provides a mechanism to report hazards and occurrences, real and perceived, to those responsible for sUAS operations.
- C. There is no specific format for the OHOR as the information provided is what is important, not the format, and should be used without hesitation to report any

anticipated, current, or experienced safety hazard, or occurrence. Further, the OHOR can be submitted anonymously and to whatever level in the chain of command, to get the matter proper attention, without fear of reprisal.

- D. Written memorandums fully explaining the problem will be given to the sUAS Commander.
- E. Every hazard and/or occurrence will be investigated, with the results and corrective action taken communicated to all members. The investigation will be conducted by a supervisor, under the direction of the sUAS Commander, or any other member of the department who has the technical skill necessary to thoroughly conduct the investigation. The services of an independent subject matter expert may be necessary in some cases to assure a thorough and complete investigation.
- F. Hazards requiring immediate attention will be brought to the attention of the sUAS Commander or direct supervisor, verbally, without delay.
- G. All members are authorized to take action to correct a hazard if, in that member's opinion, delay will result in accident or injury. The sUAS Team chain of command will be notified immediately in such situations.

6.3 Safety Officer - Operator/Observer/Supervisor

- A. In regards to safety, all members of the sUAS team are responsible for the following:
 - 1. Ensure all flight operations personnel understand applicable regulatory requirements, standards and organizational safety policies and procedures.
 - 2. Observe and control safety systems by monitoring all operations.
 - 3. Review standards and the practices of departmental personnel as they impact operational safety.
 - 4. Communicate all reported safety related problems and the corrective action taken. If there were any in-flight problems, or learned experiences, the proper procedures for handling that problem should be discussed.
 - 5. Copy and circulate pertinent safety information.
 - 6. Copy and circulate emergency safety bulletins.
 - 7. Place any electronic copies of safety information or bulletins on the Mendocino County District Attorney's Office Investigators shared server for members to access.
 - 8. It is emphasized again that safety is the responsibility of ALL members of the sUAS unit.

6.4 Safety Training

- A. All members shall receive training in the following subjects prior to operating the sUAS:

1. Agency commitment to safety
 2. Agency policy
 3. UAS members' role in safety and emergency procedures
- B. All members shall review the department's sUAS Policy and Procedures on an annual basis and that review shall be noted in their training history.

6.5 Medical Factors

- A. Operator and Observers shall only deploy the sUAS when rested and emotionally prepared for the tasks at hand.
- B. Physical illness, exhaustion, emotional problems, etc., can seriously impair judgment, memory and alertness. The safest rule is not to act as an operator or observer when suffering from any of the above. Members are expected to "stand down" when these problems could reasonably be expected to affect their ability to perform flight duties. A self-assessment of physical condition shall be made by all members during pre-flight activities.
- C. Performance can be seriously hampered by prescription and over-the-counter - drugs. The sUAS Commander will be advised anytime such drugs are being taken. If it is determined that the medication being taken could hamper and/or impair an operator or observer, that member shall be prohibited from the deployment or exercise.
- D. No member shall act as an operator or observer within eight hours after consumption of any alcoholic beverage (FAR 91.17).

VII. Training

7.1 Objective

- A. The key to continued safe operations is by maintaining a professional level of competency. The first step in this process is establishing minimum qualifications for selecting members, and the second step involves training those personnel.

7.2 Training Plans

- A. All members of the sUAS unit will maintain ongoing flight experience through practical exercises as well as familiarizing themselves with new laws and guidelines set forth by the FAA. Members also must stay aware of emerging trends in the sUAS community.
- B. It is the member's responsibility to verify their training file contains all pertinent information.

7.3 Initial Training

- A. Observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic. This training, at a minimum, shall include knowledge of the rules and responsibilities described in 14 CFR 91.111, *Operating Near Other Aircraft*; 14 CFR 91.113, *Right-of-Way Rules: Except Water Operations*; and 14 CFR 91.155, *Basic VFR Weather Minimums*; knowledge of air traffic and radio communications, including the use of approved ATC/pilot phraseology; and knowledge of appropriate sections of the *Aeronautical Information Manual*.
- B. Before a member can be authorized to conduct flight operations as a sUAS operator, he or she must complete at least eight hours of flight training with the sUAS instructors to show proficiency of the flight training exercises and the airframe. This must be accomplished to show their ability and knowledge of the sUAS.

7.4 Recurrent Training

- A. All members within the unit shall maintain proficiency in their operator/observer abilities.
- B. Recurrent training is not limited to actual operating/observer skills but includes knowledge of all pertinent sUAS/aviation matters.
- C. Failure to prove proficiency can result in removal from sUAS responsibilities.

7.5 Miscellaneous

- A. Depending on the nature of the training request, all efforts will be made to accommodate the hours of training so as little impact is made to staffing levels.
- B. All requests for training shall be approved through the member's chain of command and timekeeping during those training hours will be marked by the member's supervisor.
- C. Members are encouraged to attend and forward information on FAA sponsored safety seminars. This may be done while on-duty with the approval of their chain of command.
- D. Unless approval is obtained in advance, overtime will not be authorized for training.
- E. Training shall only be conducted at safe locations and follow the provisions set forth by the FAA.

VIII. General Operating Procedures

8.1 Requests for sUAS Support

- A. Requests for sUAS support shall be made through the Mendocino County District Attorney's Office Chief Investigator. The Chief Investigator will forward the request to the sUAS Team Supervisor.
- B. Requests for sUAS support can be made at any time during the day or night.

8.2 Call-out Procedure

- A. The sUAS Unit Commander will screen all initial requests to use a sUAS from allied agencies.
- B. The approving Commander will then contact sUAS Team Supervisor to request the deployment of the sUAS.
- C. The sUAS Commander will contact the sUAS Team Supervisor who will screen the request using the following factors:
 - 1. Is the proposed use of the sUAS within the capabilities of the sUAS equipment and personnel to perform?
 - 2. Does the proposed use of the sUAS fall within the FAA and department policies and regulations for sUAS usage?
 - 3. Can the sUAS be deployed safely given current weather conditions?
 - 4. If the sUAS deployment requires a search warrant, has one been requested and approved?
 - 5. Are sufficient trained and qualified personnel available to safely operate the sUAS?
- D. The sUAS Unit Commander will either accept or decline the request for sUAS support. If the request is denied, the sUAS Unit Commander will provide a reason for declining the support request to the requesting agency, who will provide the requestor this information along with the reason for declining. If the sUAS Unit Commander accepts the support request, a sUAS operator will be assigned who will be provided all available mission information.
- E. The sUAS operator will contact a certified observer from the list of available trained observers and arrange for the observer to meet the operator at the scene. The sUAS operator is responsible for transporting the sUAS and all required equipment. Upon arriving at the requested location, the sUAS operator will contact the on-scene Incident Commander and will check in and receive a briefing on the mission requested. The sUAS operator will make an on-scene determination of the ability of the sUAS to perform the requested mission safely and within department and FAA policies and procedures.
- F. If the sUAS operator determines that the use of the sUAS would violate department policy or directives, the sUAS operator will inform the Incident Commander of the potential conflict along with recommendations for modifying the requested mission to conform to the department policies and procedures. As

this is a change from the original approved mission, the sUAS operator will contact the sUAS unit chain of command for direction on how to proceed. As soon as possible after the completion of the mission, the sUAS operator will make a full report of the circumstances and their concern through the chain of command.

- G. sUAS operators will have sole discretion for declaring safety or violation of FAA rules. If the sUAS operator determines that a requested mission would violate FAA rules or endanger civilians, the sUAS operator will respectfully inform the Incident Commander of the reasons for refusing to operate the sUAS and contact the sUAS chain of command immediately. The sUAS will not be flown in this circumstance and the authority of the sUAS operator is absolute.
- H. If the sUAS operator determines that the requested mission will potentially damage the sUAS or its associated equipment, the sUAS operator will inform the Incident Commander of their concern and suggest mission parameters changes. The sUAS operator is the final authority regarding sUAS operations.

8.3 Deployment Priorities

- A. The sUAS **shall not** be used for the purpose of random surveillance.
- B. If several separate requests for sUAS support are received simultaneously, they shall be prioritized.
- C. In general terms, requests for sUAS support are prioritized as:
 - Life Safety
 - Evidence/Documentation

8.4 Flight Boundaries

- A. Although there may be requests for sUAS support outside the County of Mendocino, the Certificate of Authorization for our sUAS restricts deployment outside the County of Mendocino and further restricts the proximity of flight to other locations.
- B. At no time shall sUAS support be granted outside of the County of Mendocino, unless the flight is lawful under the Mendocino County District Attorney's Office COA or 14 CFR Part 107, and after first obtaining approval from the sUAS Commander.
- C. Information regarding flight boundaries can be found in the FAA COA and the use of a San Francisco VFR Terminal Area Chart.
- D. Maximum altitude shall not be set more than 400 feet AGL, per FAA regulations and terms of the FAA COA.

8.5 Minimum Personnel Requirements

- A. Due to the nature of the law enforcement mission, the minimum personnel required on ALL missions will be an operator and observer. Under no circumstances will an operator attempt to complete a deployment alone.

8.6 Flight Time Limitations

During any 24 consecutive hours, the total flight time of any sUAS operator may not exceed 10 hours, which shall include any other unmanned flying by that operator. An operator's flight time may exceed the flight time limits if the assigned flight time occurs during a regularly assigned duty period of no more than 14 hours and:

- A. If this duty period is immediately preceded by and followed by a required rest period of at least 10 consecutive hours of rest.
- B. If the flight time is assigned during this period, which total flight time when added to any other unmanned flying by the operator may not exceed 10 hours.
- C. If the combined duty and rest periods equal 24 hours.

Each flight assignment must provide for at least 10 consecutive hours of rest during the 24-hour period that precedes the planned end of the agency flight.

- D. When an operator has exceeded the daily sUAS flight time limitations in this section, because of circumstances beyond control of the agency or pilot, the pilot must have a rest period before being assigned or accepting an assignment for flight time, of at least: Twelve (12) consecutive hours of rest if the flight time limitation is exceeded by more than 30 minutes.

8.7 Personnel Responsibilities for Deployments:

- A. Operator
 - 1. The operator is directly responsible for, and is the final authority over the actual operation of the sUAS.
 - 2. Operators have absolute authority to reject a flight based on personnel safety or violation of FAA regulations. No member of the Mendocino County District Attorney's Office, regardless of rank, shall order an operator to make a flight when, in the opinion of the operator, it poses a risk to personnel or is in violation of FAA regulations.
 - 3. Operators are responsible for compliance with this manual, department policy and procedure and FAA regulations.
 - 4. The operator's main duty during the deployment of the sUAS is to operate the sUAS safely while accomplishing the goals of the deployment.
 - 5. Operators shall see-and-avoid any obstacle that will threaten the safety of flight during the mission.

6. Operators shall be responsive to the requests of the observer in order to accomplish the deployment.
7. Operators shall be responsible for documentation for mission training and updating of the flight book.

B. Observer

1. Observers shall see-and-avoid any obstacle that will lessen safety during the mission.
2. Observers are responsible for the law enforcement aspect of the deployment.
3. Observers shall operate any attachments to the sUAS, allowing the operator to maintain complete focus on the operation of the sUAS.
4. Observers shall remain alert for suspicious persons or activities on the ground and coordinate response by ground units.
5. Observers shall monitor radio updates from other personnel involved in an operation.
6. Observers shall assist the operator in the main objective of safe operations of the sUAS.

8.8 Personal Equipment

- A. Operators/Observers are encouraged to wear eye protection at all times while the sUAS is in flight during daylight hours.
- B. Operators/Observers will take into consideration the current weather conditions when planning to deploy, and wear appropriate clothing to deploy comfortably.
- C. There are no documented issues with the use of the radio or cellular phones during the deployment of the sUAS, but the operator/observer should, at all times, take into consideration safe operation of the sUAS when using the radio or another device.
- D. Operators/Observers shall wear clothing that easily identifies them as Mendocino County District Attorney's Office personnel.

IX. Pre-Flight/Post-Flight Actions

9.1 Inspections

- A. Operators/Observers are both responsible for a thorough pre-flight inspection of the sUAS. (See attached sUAS Checklist)
- B. Before and after each deployment (whether an incident or training), the operator and observer shall conduct a thorough inspection of the sUAS in accordance with the instructions contained in the manufacture's user's manual.
- C. Any issues found that will put in jeopardy the safe operation of the sUAS shall

be documented and resolved immediately prior to flight.

- D. It has been recognized that the use of a checklist is a significant method to combat sUAS accidents. A pre-flight and post-flight checklist shall be utilized prior to each flight.
- E. Any physical equipment malfunctions that cannot be resolved on-site, and which have an impact on safety or the mission, will override the deployment. These issues will be resolved before flight.
- F. Operators/Observers will ensure that no items are attached to the sUAS prior to flight that are not required for safe operation and to complete the mission goal. If necessary equipment is attached to the sUAS, the operator must ensure the equipment is securely fastened to the sUAS.

9.2 Weather

- A. Before each deployment, the operator/observer shall gather enough information to make themselves familiar with the weather conditions in the area of deployment. The operator shall utilize FAA-approved weather resources to obtain the current weather conditions.
- B. Data obtained from FAA-approved weather resource shall be utilized in order to better estimate the wind speed at or in close proximity to the launch site to determine if it is within the capabilities of the airframe being flown.
- C. Operators/Observers should use the Beaufort Scale when making deployment decisions in regards to wind conditions. This scale can be located in the manufacture's user manual.
- D. The weather conditions reported for the operation shall be recorded in the flight log.
- E. The operator shall ensure that the flight will occur within FAA VFR weather requirements, unless IFR is approved by the conditions satisfied within the departmental COA.

9.3 Documentation and Evidence

- A. Inspection and weather will be documented prior to flight within the log book.
- B. After each flight, the operator will complete a statement documenting the sUAS operations.
- C. After each deployment, video obtained by the sUAS Operation will be submitted to evidence in accordance with Mendocino County District Attorney's Office policies and procedures.

- D. Aerial photography (still or video) shall be stored and maintained in accordance to department policy.
- E. The operator and/or observer of the sUAS is responsible for evidence handling as well as writing any supporting documentation for the incident.

9.4 Planning

- A. The operator/observer shall familiarize themselves with all available information concerning the deployment including, but not limited to, the weather conditions, hazards, description of the incident, deployment goals, etc.
- B. Operators will ensure that the location for take-off and emergency landing is adequate for a safe deployment.
 - 1. The take-off/landing location should be clearly marked and identifiable.
 - 2. At least one emergency landing area should be identified per deployment.
 - 3. Operators will ensure that they are aware of their surroundings in the event that an emergency landing is necessary. This includes the ability to recover the sUAS.

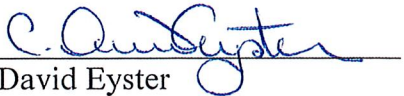
9.5 Checklists

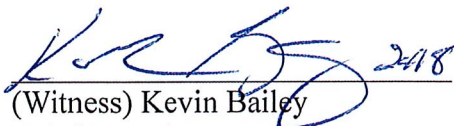
- A. Operators shall utilize the checklists to ensure the highest level of safety for deployment.
- B. Prior to flight, the flight log shall be initiated.

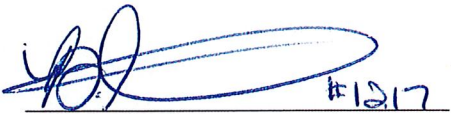
9.6 Maintenance

- A. Although there are few parts on the sUAS that need servicing, operators are responsible for following manufacturer's maintenance schedule and properly documenting maintenance activities.
- B. Any issues that arise during maintenance that cannot be resolved by routine methods shall be forwarded to the manufacturer for further technical support.

Recognized and implemented as an official policy of the Mendocino County District Attorney's Office on the 13th of February, 2019.


C. David Eyster
Mendocino County District Attorney


(Witness) Kevin Bailey
Chief Investigator
Mendocino County District Attorney's Office


(Witness) Bryan Arrington
Investigator
Mendocino County District Attorney's Office

sUAS Checklist

Item	Condition
Aircraft	
Firmware Update	
Motor and Motor Mounts Secure	Secure, Motor turns freely
Body Case	Free of Cracks
Landing Gear Secure	No cracks or separations
VPS Sensors	Clear and Free of dust or debris
Propeller attachment	Prongs intact, Markings visible
Gimbal and Camera	Secure
Propellers	Secured and Color Coordinated
Battery Condition	100% Charge
Battery Off	Verify
Insert Battery	Clips engaged
Battery On	Sensors indicate ready for flight
Controller	
iPad	Secured
Cable	Connected
Power	On, 100% Charge
iPad	
Power	On
Orientation Lock	On
Brightness	100%
DJI App	Selected and open,
Camera	Selected
Main Control	Multiple Flight Modes –Select
Return-to-Home Alt	Set (30M for Training)
Beginner Mode	Set to "On" for Training
Set Max Flight Alt	Set (30M for Training)
Enable MAX Distance	On (30M for Training)
Remote Control Setting	Select
Stick Mode	Mode 2
GPS Signal	Ensure proper number of satellites are available
Before Take Off	Area clear, free of obstructions or
	Enter adjusted Height requirements as needed
Take Off	
1 st flight of the Day <i>or changes to aircraft configuration</i>	Hover Check (3", 3', 30M) Check controllability in all quadrants