

INVESTIGATION

6272

(May 2003)

Responsibility

All

The purpose of these guidelines is to provide supervisors, managers, and investigators with suggestions and resources to assist in the thorough and complete investigation into allegations of misconduct. The guidelines are not intended to interfere with the discretionary decision making process of either department in the administration of progressive discipline or personnel management.

AUTHORITY FOR INVESTIGATION

6272.1

(May 2003)

Responsibility

All

All joint investigations shall be authorized by either the CDF Unit Chief or Region Chief, and the CYA Deputy Director of the Institutions and Camps Branch; or in their absence the Director or Chief Deputy Director of either department. The assigned investigators shall comply with the reporting requirements of their respective department.

INVESTIGATION SCOPE

6272.2

(May 2003)

Responsibility

All

Prior to an investigation being initiated the scope of the investigation shall be determined. The authorizing administrators shall instruct all investigators whether the scope of the investigation is potentially criminal or administrative. In those instances where the scope can not initially be determined, the authorizing administrators shall be appraised of all information obtained during the course of the investigation. When practical, all investigators shall be informed of the scope of the investigation.

INTERAGENCY MEETING

6272.3

(May 2003)

Responsibility

All

Prior to the investigation beginning, a meeting with representatives from both departments and from all other involved agencies shall be conducted. Each agency will state specifically their involvement and intent regarding the investigation. All investigators shall be provided information regarding specific department policies and agreements as to how employee investigations are conducted

LEAD AGENCY

6272.4

(May 2003)

Responsibility

All

Allegations made by one department's staff member against a staff member of the other department shall be treated as a citizen's complaint. The Camp Superintendent and Division Chief may jointly conduct a preliminary inquiry prior to initiating the investigation authorization request process. Each department shall follow its respective workplace violence process/ procedure in the event that a workplace violence allegation is made.

FINDINGS

6272.5

(May 2003)

Responsibility

All

All documentation of personnel investigations shall be considered confidential and any distribution of reports or other documents shall be done in accordance with departmental policies, the Peace Officer Bill of Rights, and applicable bargaining unit agreements. The initiation of the adverse action process shall be the responsibility of the employee's appointing authority and shall comply with that department's adverse action process.

PEACE OFFICERS' BILL OF RIGHTS (POBR)

6272.6

(May 2003)

Responsibility

All

On occasion, investigations may involve employees of either department who are appointed as department peace officers. When department peace officers are being investigated by their own department where adverse action may result against a peace officer employee, the Peace Officers Bill of Rights becomes effective.

If a peace officer refuses to answer questions in the criminal investigation, such refusal cannot be deemed insubordination, and cannot be used in support of an administrative action against the officer. If the officer is being investigated as a departmental employee, rather than as a criminal suspect, or has been ordered by his department to cooperate in the investigation conducted by another agency, then the Lybarger admonishments must be given, and any questions that the officer answers under compulsion or threat of discipline cannot be used against that officer in subsequent criminal proceedings. However, such answers may be used for administrative (disciplinary) purposes.

Additionally, when involved in investigations with other departments, investigators should be made aware of any department policies or contractual agreements which may involve employee rights and the peace officers bill of rights. As an example, all CYA employees are covered by the peace officer bill of rights by CYA departmental policy.

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)