THE DEPARTMENT OF JUSTICE, DIVISION OF LAW ENFORCEMENT
THE FACILITIES PROTECTION UNIT TRAINING MANUAL

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THE DEPARTMENT OF JUSTICE, DIVISION OF LAW ENFORCEMENT
THE FACILITIES PROTECTION UNIT TRAINING MANUAL

A Project

by

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Division of Criminal Justice
The Department of Justice (DOJ) Facilities Protection Unit (FPU) Training Manual is intended for the security officers assigned to the unit. The manual sets forth the guidelines and job duties, which govern the FPU security officers. Section topics are: introduction; authority; responsibilities; job descriptions; duty assignments; operational procedures; administrative procedures; equipment; facility security; parking; identification folders/credentials; personnel policy and procedures; firearms policy; and employee conduct. These officers are held at the highest standard, as are all law enforcement officials. Through the guidance of this manual, the officers’ integrity and recognition of the badge will remain strong in the protection of the Department of Justices facilities and its employees.
ACKNOWLEDGMENTS

The definition of family, according to the Merriam Webster dictionary, is the basic unit on society traditionally consisting of two parents rearing their children. This definition remains true, yet my family is much more than that. They say it takes a village to raise a child and the “Fucci Clan” has definitely done that. Without the love and support of my family, I would not be where I am today. These last two and a half years have been the most difficult in my twenty-seven years of life. The trials and tribulations endured sometimes had me wonder if I would survive. But thanks to such a beautiful, wonderful and strong family, I rose above and succeeded.

The two most important people, who I owe the greatest appreciation to, are my parents. Thank you mom and dad for always believing in me and being there for me whenever I needed you the most. And of course, a huge thank you for supporting my way through college. I couldn’t have done it without you both! I love you all the way to heaven and back!

To my siblings, you guys rock! Ray, Joey and Shelly, you three have been there through thick and thin. We definitely have had our differences and a few fights but I consider you all to be my best friends. Your great words of advice and shoulders for me to cry on have helped me through some tough times. Your baby sister loves you!

To my aunts, uncles, cousins, nieces and nephews, you are the best family in the world. I don’t know what I would do without you. I love you all so much!

To the amazing cohort, we did it! All of our hard work, sweat and tears have paid off and we have officially graduated with our Masters. Thank you to all of you for your help and support. We couldn’t have done it without each other. I am very lucky to have met each and every one of you.
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Chapter 1

INTRODUCTION

Statement of the Problem

Throughout the United States, there are thousands of law enforcement agencies that protect and serve the American citizens. From the federal, state, and local agencies, almost one million law enforcement officials and officers risk their lives to ensure the safety of those within their jurisdiction (Bureau of Justice Statistics, 2009). These brave men and women assist in protecting citizens from being victimized and defending this nation from foreign attacks.

One of the largest state investigative law enforcement agencies is the California Department of Justice (DOJ), Division of Law Enforcement (DLE). The Division of Law Enforcement is comprised of six bureaus that assist the state of California. These bureaus include: the Bureau of Forensic Services (BFS), Bureau of Gambling Control (BGC), Bureau of Investigation and Intelligence, (BII), Bureau of Narcotic Enforcement (BNE), Bureau of Firearms (BOF), and the Western States Information Network (WSIN). Within DLE’s six bureaus the division employs 450 sworn Special Agents, 200 forensic scientists, and 600 civilian employees, with an annual budget of $182 million (“DLE Intranet,” 2007).

The Department of Justice is the legal, administrative and law enforcement arm of the Attorney General (AG). The Attorney General of California is the state’s chief law officer. The Attorney General’s duties and responsibilities have led to him being the second most powerful constitutional officer in California, behind the State
Governor. Not only does the Attorney General represent the people of California, it is also his duty to represent all state agencies and officials. Often times, this dual role leads to tensions in legal policy and when the opinion of the Attorney General differs than the Governor, the Governor must utilize private counsel. This can create many problems for the Attorney General and Governor and the tension must be resolved as soon as possible.

Before California became a state, the Office of the Attorney General of California was established. In 1849, the California Constitution was created and adopted, including the establishment of the Office of the Attorney General of California. Article V, Section 13 of the California Constitution states that the California Attorney General is:

Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every District Attorney and Sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney
General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a District Attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any District Attorney in the discharge of the duties of that office. (para. 13)

The following year, California was admitted in to the Union on September 9, 1850 (“California History,” 2009). As California grew, so did the Office of the Attorney General. Each Attorney General voted into office brought with them their own ideas for growth and structure of the office. Eventually, the state’s chief law officer structured the office to include the Department of Justice, the state’s largest law enforcement agency used by all levels of law enforcement to assist in the fight against crime.

Today, crime seems to be a way of life. One can turn on the local news or open a newspaper and learn about many horrific crimes that had been committed locally or nationally that day. These crimes include; crimes against young children, crimes against the defenseless elderly, crimes committed against people the suspects know and other times the victims were complete strangers to the suspect. The greatest challenges for this country are going to be the increased amount of violence (Herrmann, 2008).

One type of crime that has been spotlighted in the news in recent years, are attacks that take place in public places, such as schools, malls, churches, and other places of employment, such as government buildings. Because of this, there is a great
need for security measures to be put in place to protect the innocent civilians in these places. Many schools have implemented different security strategies such as metal detectors at the entrance of the campus, and have security guards patrolling the campus (Provenzo, 2007). Malls and other places of business have increased security with more patrol officers and additional security cameras. Today, most federal, state and local government offices use a method of security to protect the employees from harmful situations such as a shooter on the premises (E. O’Keefe, personal communication, October 6, 2009).

In 2003, a woman opened fire on the 17th floor of the Hennepin County Government Center in Minneapolis. One person was injured and another killed by the woman, Susan Berkovitz, using an antique pistol (Hughes, 2004). The injured attorney was Richard Hendrickson who believed there might be a dispute that day between his client and Berkovitz. He asked for additional security ahead of time and figured all guards on duty would be armed. Before the shooting, Berkovitz was escorted through the building to the courtroom with an unarmed escort, who once the shooting started, ran for his own safety and protection. Berkovitz opened fire on Hendrickson and his client, Shelly Joseph-Kordell, who later succumbed to her injuries sustained from the gunshot wounds. Since then, Hendrickson had petitioned for metal detectors in the building as well as armed guards to protect the innocent lives inside the government center. In 2004, the county board approved a $1.5 million proposal to install new metal detectors at the entrance of the building (Hughes, 2004). After such a horrific event, the employees and visitors of the building now have a
better sense of security when entering the Hennepin County Government Center.

Today, the California Department of Justice has armed security guards protecting a few state offices, and security has become an integrated part of normal business to the DOJ (McAdams, 2004). These security guards along with other support staff, make up the division called the Facilities Protection Unit (FPU). The FPU headquarters is located in Sacramento, California.

The FPU officers currently serve in three different facilities within the Department of Justice offices in Sacramento. The first office is at 1300 I Street, where the Attorney General, Edmund G. Brown Jr., holds his office, along with other support staff for the Attorney General and DOJ. The second office is at 1102 Q Street, where the Director, Deputy Director and Bureau Chiefs operate. The third and final building protected by the FPU is at 4949 Broadway. The Bureau of Forensic Services crime laboratory operates from Broadway, as well as a few programs within the Bureau of Investigation and Intelligence and the FPU. The security officers of the FPU are on duty twenty-four hours a day, seven days a week at the Broadway facility, while the other two offices only have officers on-duty during regular business hours.

It is imperative to have twenty-four hour security at the Broadway facility for many reasons. The main reason for the twenty-four hour security at the Broadway facility is because the facility is a twenty-four hour facility. At night, there are approximately 300-400 people working in the building. Additionally, the Broadway office is the most vulnerable DOJ facility because the DOJ computer infrastructure is located on-site. This infrastructure includes the DOJ operating system, database
management system (DBMS), communications protocols, compilers and other development tools (E. O’Keefe, personal communication, October 6, 2009). Also housed at this location is all of the intelligence and information pertaining to Megan’s Law. Full-time security is needed to protect such important and classified information.

The armed security officers that patrol and protect the DOJ facilities are highly trained officers who are POST (Peace Officer Standards & Training) certified. Any individual interested in being a law enforcement official in the state of California must be POST certified. In 1959, the Legislature established POST to set minimum selection and training standards for all law enforcement in California. There are more than 600 agencies who belong in the POST program, where they “… are eligible to receive the Commission's services and benefits, such as job-related assessment tools, research into improved officer selection standards, management counseling services, the development of new training courses… and quality leadership training programs” (“What is POST,” 2009, para. 3). POST ensures that all officers certified by the commission have received the best training and are highly qualified to serve and protect the citizens of California.

**Purpose**

As in every employment opportunity, there are certain rules and protocols that FPU security officers must follow and abide by. The FPU has a very important duty to protect the employees of the Department of Justice as well as protect the very
sensitive material and property within the DOJ facilities. The FPU officers are
governed by the policies and procedures set forth in the Facilities Protection Unit
Manual. The manual describes and encompasses the personnel, equipment, and
procedures necessary to successfully carry out all of the responsibilities given to the
officers. Upon employment with the DOJ, FPU officers are given this manual to
review and sign a statement that he/she has read the manual to its entirety and will
follow all policies and procedures written in the FPU manual. Unfortunately, this
manual is out-dated and in need of many revisions and updates. Many new protocols
and rules had been implemented into the FPU but were not formally in writing for the
officers to follow and refer to if needed. The update of the manual became the main
concern of the FPU manager, who instructed an employee (and the author) to take on
the project of improving the training manual.

Definition of Terms

The term law enforcement is defined as a branch of government that is given
the duty of regulating and controlling the affairs in a community or jurisdiction
(“Police,” n.d.). It is their responsibility to maintain order, enforce the law, and
prevent and detect crime. Due to their responsibilities, law enforcement officials
receive the best training and are held at the highest standards.

Federal, state and local agencies are all law enforcement agencies within the
United States. A federal agency has police responsibilities of social order and public
safety as well as state law enforcement responsibilities (“List,” n.d.). Some federal
agencies include: Drug Enforcement Administration, Federal Bureau of Intelligence, United States Department of Homeland Security and United States Department of Justice. A state agency has the same police responsibilities of social order and public safety as well as state law enforcement responsibilities. Some state agencies include: California Department of Justice, Alcoholic Beverage Control, California Highway Patrol and California Department of Corrections and Rehabilitation. A local agency is responsible for the regulation and control of the affairs of a community or the agency’s jurisdiction. Local agencies maintain order, enforce laws, and prevent and detect crime. Some local agencies include: Sacramento County Sheriff’s Department, Sacramento Police Department, Placer County Sheriff’s Department and Roseville Police Department.

The term crime is defined as an act committed in violation of a political or moral law (“Crime,” n.d.). Crime can be the action of violating or breaking the law or having the intention of doing so. Crimes are viewed as offenses against society and are punished by the state.

The term manual/training manual is defined as a book or booklet of instruction that is designed to improve the quality of tasks and duties in the work place (“Manual,” n.d.). A training manual can be useful as an introduction to the subject matter before training begins an outline that can be followed during training. A manual can also be used as a reference to the subject matter after training has been completed.

The term media can be defined as a means of communication (“Media,” n.d.).
These means of communication include: the radio, television, newspapers, magazines, and the internet. The media can reach and influence a great amount of people.

The term security is defined as, “the prevention of and protection against assault, damage, fire, fraud, invasion of privacy, theft, unlawful entry, and other such occurrences caused by deliberate action” (“Security,” n.d., para. 1). Security is needed to protect innocent civilians from attack by criminals. With security, innocent citizens are given the assurance of safety and protection.

The term perpetrator can be defined as a person who performs or commits a crime or offense (“Perpetrator,” n.d.). The term, perpetrator, is used by law enforcement officials to name a person who commits the crime. Perpetrator is different than a suspect because a suspect is not known to have committed the crime, whereas, the perpetrator is know to have committed the crime.

The term intranet is defined as, “a privately maintained computer network that can be accessed only by authorized persons, especially members or employees of the organization that owns it” (“Intranet,” n.d., para. 1). The Department of Justice has a privately maintained network that can only be accessed by DOJ employees. The DOJ Intranet provides access to information and services.

The term Facilities Protection Unit can be defined as a unit within the Division of Law Enforcement. The unit contains supervisors, security guards and support staff. Some of the duties of the unit include protecting DOJ buildings in the Sacramento area.

The following chapter will describe in more detail, the importance of the
Office of the Attorney General, along with the history of the office. The AG has played a major role in the achievements and growth of California. Additionally, the chapter will detail past horrific events in United States history where higher security was needed to protect the many innocent lives taken by the attacks. These events have all been highly showcased in the media over the years and all have brought the need for security to the attention of the public.
Chapter 2

BACKGROUND

“If all men and women were honest and had a correct and accurate appreciation of the rights of their fellowmen, a government could exist with but little law.”
-Ulysses S. Webb, Attorney General of California (1902-1939)

Over the years, the media has shown that public places are becoming threatened with violence almost on a daily basis. With the threat of violence comes the need for increased protection. For example, school violence has now become a high priority for school officials and teachers. Many schools now have a police officer on duty during school hours, while some schools have even implemented metal detectors at the entrance of the campus.

These changes on school campuses began after the deadly incident at Columbine High School in Denver, Colorado, on April 20, 1999 (Provenzo, 2007). This was the day that twelve high school students along with one teacher were killed by two fellow student gunmen who subsequently took their own lives after the events unfolded. Additionally, 24 other students and teachers were injured by the gunmen.

The day of the tragedy at Columbine High School, April 20, 1999, the two gunmen, Eric Harris and Dylan Klebold entered the school dressed in long black trench coats, carrying large duffel bags, unbeknownst to the other students that the bags were filled with explosives, guns and ammunition (“Narrative Time Line,” 2000). Before entering the campus, Eric Harris warned a student to leave the school because Harris ‘liked him’ and the school was about to become a danger zone (“Narrative Time Line,” 2000).
The young men’s first action was to set up explosions to detonate in the school cafeteria. When these bombs failed to explode, Harris and Klebold then went to their ‘Plan B’ and began shooting their fellow classmates with semi-automatic weapons (Rosegrant, 2001). The school community resource officer, Sheriff’s Deputy Neil Gardner, was soon dispatched to the scene to attend to a female injured in the school parking lot, not knowing what events had unfolded thus far. Gardner recalled that the scene he expected to arrive at was a victim to a vehicle accident. Instead, he found a female who had been shot by one of the armed gunmen. At that point, Deputy Gardner found himself being shot at by a gunman, later identified as Eric Harris. Deputy Gardner returned fire with his 45 semi-automatic handgun but did not hit Harris, who entered back into the school. Gardner then requested backup while students began to emerge from the school screaming and running for safety.

A few minutes later, Harris and Klebold entered the library where they would remain until their deaths. Inside the library, the two young men shot and killed ten and injured twelve innocent students. This massacre lasted approximately seven minutes until both turned their guns on themselves and committed suicide to prevent being apprehended by the police.

Since the horrific incident at Columbine High School, there have been a handful of other school shootings on high school, college and even middle school campuses. In Red Lake, Minnesota, eight students were killed by a gunman at Red Lake Senior High School where a student additionally injured five others before committing suicide in 2005 (Hancock, 2005).
At an Amish school in Pennsylvania, a shooter entered the school and killed five children plus himself (Jones & Partlow, 2006). The killer, Charles Carl Roberts, first entered the school and took the students and adults in the one-classroom school hostage. Soon after, Roberts allowed all of the boys and adults to leave the room, leaving only the female students with him. Once the police arrived, the officers on the scene heard gunshots from the schoolhouse. Before the officers closed in on the school, the gunshots had ceased because Roberts had already killed himself. The police entered the schoolhouse and rescued the remaining uninjured hostages, while medical personnel attended to the wounded. Janice Ballenger, the Deputy Coroner in Lancaster County, Pennsylvania stated, "There was not one desk, not one chair, in the whole schoolroom that was not splattered with either blood or glass. There were bullet holes everywhere, everywhere" (Jones & Partlow, 2006, para. 12). The Amish community forgave Roberts for his crimes against the school and its young students.

On April 16, 2007, the deadliest shooting on a school campus by a single gunman occurred at Virginia Polytechnic Institute and State University (Virginia Tech), in Blacksburg, Virginia (“Fact File,” 2007). The gunman, Seung-Hui Cho killed 32 people and injured 17 others, before turning the gun on himself. Of those killed five were professors at Virginia Tech. Cho, 23, was a South Korean citizen with permanent resident status in the United States. He was a senior majoring in English at Virginia Tech, living in one of the dormitories on campus. Prior to the horrific day, Cho had been accused of stalking two female classmates in 2005 and had been diagnosed with mental illness. Additionally, one professor believed Cho needed
to attend counseling. Throughout his middle and high school years, Cho received counseling for a severe anxiety disorder, however, once in college, the counseling was not continued.

There were many failures within the government and school systems that could have prevented the attack on the campus from occurring. The most important issue that may have prevented the massacre involved his mental instability. Seung-Hui Cho should not have been able to purchase the guns used in the shooting. However, due to the failure of the National Instant Criminal Background Check System (NICS), Cho easily purchased the handguns without a problem from Roanoke Firearms (Lou, 2007). Cho should have been ineligible to purchase any weapons.

Another failure of the system was the failure of school officials to seek help for the mentally unstable Cho. Unfortunately, due to privacy issues, Virginia Tech officials were not made aware of the mental issues and counseling Cho received in high school. These records were to remain sealed unless Cho or his family wanted to release the records to his college. Once in college, Cho’s mental state began to deteriorate without the much-needed help he had received from counselors in high school (Shulte & Craig, 2007). He began to get more and more isolated from his fellow classmates and professors. He would not speak even when called upon during lectures and his professors reported that his behaviors in the classroom, as well as his written works were disturbing (Johnson, 2007). Cho was urged by professors to attend counseling, yet since they could not force him to go, he declined and never
received the help he needed to later protect his classmates and professors from his attack.

Another failure by the school to the victims and their families of this attack was the lack of security on campus. The first attack occurred at the West Ambler Johnston Hall, where two female students were shot and killed by Seung-Hui Cho. Two hours later, Cho entered Norris Hall where he continued his rampage, killing and injuring many students and professors inside the engineering science building (“Report,” 2009). More than two hours after the first attack, school officials had finally sent emails to all students reporting the attack in West Ambler Johnston Hall, which was too late to protect the innocent victims in Norris Hall. If officials had made an immediate decision to cancel classes and lockdown the campus until the perpetrator had been contained, the second attack may not have occurred, saving almost thirty innocent lives. Additionally, if armed officers had been on patrol of the large campus, the officers may have had an opportunity to capture Cho before more lives were taken. The failures in the system not only let down Seung-Hui Cho, who did not receive the needed assistance with his mental illness, but also his victims and their families.

In addition to the aforementioned public places, in recent years, there has been an increasing pattern of violent acts in places such as office buildings, churches and even fitness gyms (Herrmann, 2008). Due to the lack of security in most places of employment, a perpetrator can easily gain access to the office or building to cause injury or death to those inside. In August of 2009, a man entered an LA Fitness gym in Pennsylvania where he shot and killed three women attending a Latin dance class
inside the gym, before turning the gun on himself (“At Least 4 Die,” 2009). The gunman, George Sodini, was a member of the gym he attacked. He entered the gym as most gym patrons do, dressed in workout attire and a black duffel bag; however, his bag did not contain gym clothes or accessories. Sodini’s duffel bag contained four handguns, three of which were used in the attack. After passing the employees at the front desk, Sodini entered the group fitness room where the Latin dance class was being held (“At Least 4 Die,” 2009). He walked to the back of the room and began shooting before the other gym patrons knew what was happening. The attack occurred so quickly, there was no time for a bystander to act or for the police to arrive. By the time those inside the gym had discovered what was occurring, Sodini had already taken his own life.

On March 8, 2009, the pastor of a church in Maryville, Illinois was shot and killed in the middle of a mass by a gunman who had entered through the church’s front doors. A few brave parishioners attacked the gunman to prevent any others from being injured or killed. When the gunman’s pistol jammed, he grabbed a knife and attempted to stab those who were attacking him. Fortunately, only two of the parishioners received non-life threatening stab wounds from the perpetrator (“Church Pastor Killed,” 2009).

After the attack, Maryville police announced that the congregation had a plan in place in the event any incidents such as the attack that just occurred were to happen. Their plan included protocol for a lockdown of the church if needed. Jeff Hawkins, the executive director of the Christian Security Networks said, “Churches can stop a
shooter or anyone else intent on harming church members with the proper security measures in place… A church is not helpless when they have a plan, and properly trained security…” (“Churches Need Security Plans,” 2009, para. 2). Fortunately, due to the quick thinking of a few church parishioners and the malfunction of the shooter’s gun, only one life was taken in this unfortunate situation.

In all of the above horrifying situations, the outcome was the same, the unexpected deaths of many innocent people in events that never should have occurred. After each of these unexpected events, experts, law enforcement and government officials played ‘Monday morning quarterback’ by reporting how each of the attacks could and should have been prevented. Reporting the before unseen signs the killers displayed prior to the attacks, the gaps or faults in security and the precautions that were not taken to prevent such disasters. Unfortunately, in most of these situations, no one could have really foreseen and stopped the assaults from occurring. These uncertainties are forcing schools, office buildings and other places of employment to go to great lengths to create a safe workplace (Conlin, Thorton, Foust, & Welch, 2001).

Every location where the horrific events took place did not have the security measures needed to prevent the killers from attacking. Many believe that metal detectors and/or armed security officers could have prevented or lessened the amount of casualties in some of these situations. However, security is a team effort in today’s world (Hawley, 2005). For example, in the church shooting, the procedures in place for a disaster did not prevent the shooter from attacking. It was the heroic parishioners
who risked their lives to apprehend the perpetrator to save the lives of others.

In many campuses and office buildings, security has tightened to avert any dangerous situations. Officials must make sure, “…undesirable elements are kept out, dealing with injuries and patron illnesses… making sure all rooms are secured, and engaging in loss and theft prevention” (Hutchinson & O’Connor, 2005, p. 135). By security officials ensuring these elements are kept out, those who do belong in these building can feel safe and secure in their places of work or education.

The Division of Law Enforcement (DLE) assists local law enforcement, as well as state and federal agencies in the protection of the citizens of this state. Within the DLE is the Facilities Protection Unit (FPU), whose main concern is the safety and protection of the DLE offices in the Sacramento area. A training manual is provided to the security officers of this unit to ensure they uphold the law and mission of the DLE.

The Importance of the Office of the Attorney General

The history of the Office of the Attorney General is very important to understand the need for such a significant figure to the state of California. Since the office was first established there have been many essential men who have taken office and built this state into what it is today.

The California Attorney General’s office is a very important entity to the state of California. Within the Attorney General’s office is the Department of Justice (DOJ), which is the legal, administrative and law enforcement arm of the Attorney
General (AG). The law offices of the AG are spread throughout the state in cities such as Sacramento, Los Angeles, San Francisco, Oakland, San Diego and Fresno. The DOJ Regional Offices, crime laboratories and technology facilities are also throughout the state in places including, Redding, Richmond, Rancho Cordova and Riverside. The Department of Justice staffs approximately 1,100 attorneys and has more than 5,000 sworn officers and support staff all together (“DLE Intranet,” 2007).

The office of the Attorney General is considered to be the most valuable provider of public services to the people of California. According to the twenty-sixth Attorney General, Evelle Younger (1971-1979), “the Attorney General touches the lives of Californians probably more than any other office, with the possible exception of the Governor… and I’m not even sure that the Governor’s office should be excepted” (Bluemle, 1988, p. 3). Younger continues on to state that the Governor of California has more prestige than the Attorney General, however, the AG has more power and control in the day-to-day operation of the state in certain aspects such as crime, environmental protection and public services provided by all state agencies. The Attorney General today has more power and far more duties than the first Attorneys General did during their tenure. Since the occupancy of the first AG of California, the responsibilities and the statutory guidelines have greatly increased over the years, allowing for a more powerful office.

**Historical Background**

Before California became a state in the Union, not many explorers had settled in
what was then considered to be Mexico’s land. Due to the harsh and rugged terrain, those that did make the trek to California did not stay long. Discouraged by the ‘unattractive’ land, they would soon head north to Oregon or back towards Texas. However, this all changed once gold was discovered on January 24, 1848 by James Marshall (Castaneda, 2007). After the discovery in Coloma, it is believed that nearly 250,000 men, women and children traveled to California over the course of the next four years, with the hopes of ‘striking it rich.’ With this large influx of settlers brought a great increase in crime. From 1849 through 1854, there were approximately 4,200 reported murders in the state of California (Bolster, 1998). The new settlers coming to California were of all different ethnicities including whites, Chinese and Mexicans. Upon arrival in California, these groups clashed among themselves and with the Native Americans already living on the lands. In the attempt to protect their land, the Native Americans would attack the new settlers. The settlers would fight back massacring many of the Native Americans. Many of those that were not killed in attacks from the settlers, died from diseases introduced to the tribes from the settlers.

Since the land was still considered to be a part of Mexico, the Mexican legal system governed California land; however it was fairly ineffective and crime remained rampant. During this time, the Mexican Administrators were known as alcaldes; which was a combination of a judge and a mayor, and ruled on all matters of the law (Greene, 1976). It soon became evident that as the population of California continued to grow, a new legal system was needed to effectively control crime in the growing population in the gold mining area.
Tensions soon began to rise between the United States and Mexico due to the flood of settlers. Additionally, the war between Mexico and the United States began in 1846 with no treaty or sign of peace in sight. Soon after the large influx in population due to the Gold Rush in California, the United States’ military took control of the land over Mexico and the Treaty of Guadalupe Hidalgo was signed, ending the Mexican-American War. Now that California was now the United States’ territory, it was time for Congress to make it into a state in the union. However, before it could become a state, a constitution had to be created and adopted by the state. The California Constitution was adopted in 1849. The constitution had established the Office of the Attorney General of California. The duties of the AG were not specified in the constitution but considered the Attorney General to be a constitutional officer along with the secretary of state, treasurer, state controller, and the surveyor general. These constitutional officers were only allowed to serve a term of two years (Castaneda, 2007).

**Thirty-First State Admitted to the Union (1849 – mid 1850s)**

Peter H. Burnett was elected to be California’s first Governor and San Jose became the state capital in 1849. The following year, in 1850, California was admitted to the Union on September 9th. In 1849, at its initial meeting, both houses in the Legislature voted for all of the constitutional officers, including the Attorney General. In the Constitution, the salaries of these officers were decided, with the Attorney General’s salary set at $7,000 a year in 1850. However, in 1851, the salary
was decreased to $1,000 a year (Hurt, 1936). Soon after the inaugural meeting of the Legislature, the responsibilities of the AG were better clarified. Some of the responsibilities assigned to the AG included attending all cases of the Supreme Court, and prosecuting or defending any cases that involved the state. Additionally, the AG was given the duty of overseeing the conduct of business in California. Given the authority by the Governor, the AG was to investigate into the affairs of all businesses and corporations in the state. The AG was given the power to examine all aspects of the corporations as he saw necessary. The responsibilities assigned to the Attorney General helped build the office to be one of the most powerful constitutional officers in the state.

As the California government began to build its power and control over the state, the lack of authority and influence during the rough beginning years began to wear off on the brand new state. Due to the lack of a successful systematic legal system, vigilantism occurred. San Francisco along with other highly populated cities began to be run by vigilante groups who provided justice when needed. These groups, such as the ‘San Francisco Vigilance Committee’ used hanging and the threat of hanging to enforce their laws and rules (Bakken, 2003). The ‘San Francisco Vigilance Committee’ was a gang of men who upheld the law and punished those who did not. Their acts of law enforcement were considered to be illegal, however, many believed these vigilante groups were providing the much-needed enforcement to the area (“Vigilante,” 2009). As the legal system began to build and become more powerful,
the need for these groups dissipated and the vigilante groups slowly disappeared on
their own, handing the power to the government of California.

The first Attorney General chosen by the Legislature was Edward John Cage
Kewen. Kewen was a twenty-four year old, brilliant and articulate man from
Columbus, Mississippi who headed west after a successful career in law and politics.
Kewen’s first obstacle in office was the lack of funds the constitutional officers were
given. The AG’s office could not even afford to purchase paper or pens for Kewen to
utilize while on the job. During this time, Edward Kewen was the sole employee of
the office of the Attorney General. He resigned after eight months in office believed
to be due to the minimal salary earned by the AG in office. Kewen decided to resume
his very successful and lucrative career at a law practice in Sacramento (Castaneda,
2007). Edward Kewen’s successor was James A. McDougall, who was twenty-six
when he took office.

McDougall was originally from New York and after attending law school, he
moved to Illinois where he became the Attorney General of the state of Illinois.
During his years as the AG in Illinois, McDougall had the opportunity to work with
Abraham Lincoln. After his time in office, McDougall decided to head west in search
of precious metals along the Colorado River (Castaneda, 2007). With no success in
Colorado, he traveled to San Francisco where he opened his own law practice in the
city. It soon was known how talented and skillful McDougall was and he was soon
recognized as an outstanding attorney. He later was nominated by the Democratic
Party for attorney general of California. Not only did his previous experience as AG
of Illinois assist in his bid for the position in California, but his brother, John McDougall was also the Governor of California, which helped in his nomination. Similar to Kewen, McDougall’s tenure as AG did not last a full term. He seemingly resigned early, finding the work unrewarding (Castaneda, 2007). Soon after, McDougall served in the U.S. House of Representatives for one term and then was elected to the U.S. Senate for one term. Early on in his career he showed an interest in the railroads and while in the Senate, McDougall played a large role in increase of federal support for the transcontinental railway, which would link Sacramento to Omaha. With his help, on July 1, 1862, the U.S. Congress passed the Pacific Railway Act. Unfortunately, McDougall died two years before the railroad was completed, linking Sacramento to the east.

While the fourth Attorney General, John R. McConnell, was on a six-month family leave, his replacement, William M. Stewart, served as Acting Attorney General. Stewart was in office when the Legislature decided to move the state capital from San Jose to Sacramento in 1854. Five different Attorneys General served office during the state’s first six years in the Union. Each attorney general brought with them different knowledge and skills that help develop a strong foundation for the Office of the Attorney General to build upon for a more successful office in the future.

Establishing a Legal System (Mid 1850s – 1886)

In the mid 1850s, as California continued to grow, so did its problems. Crime seemed to be a concerning problem that was on the rise. However, California began
seeing new concerns with racial and ethnic tensions, immigration and insufficient regulation of business practices. For example, during this time, the Attorney General was given the power to enforce and file suit against businesses that did not comply to state laws. All of these issues became the prime responsibility of the AG for many years to come.

When Thomas Williams was elected into office in 1857, he made it his priority to develop a more coordinated legal system (Shuck, 1901). This nonetheless became an extremely difficult task for the Attorney General. Even after two terms in office, Williams was unable to succeed at building a better legal system in California. During his second term, Williams began to realize that to accomplish his goals, he needed the full cooperation and coordination from all district attorneys in the state. In 1859, Williams reported that he had not received any communication from the district attorneys, but said it was useless to demand reports and recommendations from the district attorneys until it was written in the law (Castaneda, 2007). He reported the following year that there still was no communication between his office and the district attorneys and his goal of compiling crime statistics was incomplete due to the lack of communication. This lack of communication continued through Williams’ two terms in office, and he left office without building a successful legal system.

Before being elected as AG in 1863, John McCullough was elected to the Assembly and later to the Senate. During his two terms in office, McCullough’s interests lay in ensuring the state retained its title to the tidelands. California held title to the tidelands and the submerged lands, however, private development interests
began to show interest in these tidelands and pursued the title to them. McCullough continued this fight through his entire time in office and in 1868 the Legislature passed several bills regarding the tidelands. Additionally, McCullough served as legal counsel on the newly founded Board of Tidelands Commissioners. His fight for the tidelands proved to be very successful.

Attorney General Jo Hamilton was the only AG to serve two non-consecutive terms. He became the tenth and twelfth Attorney General of California. Hamilton was extremely successful in office. During his first term, Hamilton requested that the Legislature appoint a California Representative to fight for the state’s interests in Washington. In 1870 the Legislature approved Hamilton’s request and a Representative for California was headquartered in Washington.

Additionally, Hamilton continued McCullough’s fight in protecting Yosemite Valley from development. Hamilton believed Yosemite Valley was, “…one of the great natural curiosities of the world” (“Biennial Report,” 1869, p. 8). His office was successful at shutting down plans for a sawmill to be constructed on the land. The sawmill was needed to eradicate all trees and timber in Yosemite Valley.

Between Hamilton’s terms, John Lord Love served as the eleventh attorney general. His main concern while in office was crime. He believed criminals were not punished as harshly and as often as it should be. He believed the criminal justice system was corrupt and needed to be repaired. Hamilton was concerned that harsh crimes such as murder were on the rise because the criminal justice system did not convict enough criminals. Hamilton was also bothered by the threat of citizens
carrying concealed weapons. He believed there was more violence by people carrying concealed weapons. He did not consider concealed weapons to help one protect him or herself from danger. In a dangerous and violent society, Love believed concealed weapons led to more murders and bloodshed (Castaneda, 2007). He wanted to put a stop to the licensing of concealed weapons, however remained unsuccessful during his four years in office. There was not a law against the carrying of concealed weapons until 1917.

When Hamilton returned to office he followed in Love’s footsteps by focusing on lowering crime in California. Not only did he enact and enforce more laws against criminal activity, but he also saw the importance crime prevention was to society. Hamilton believed a major cause of crime was the lack of decent paying jobs. During his tenure as AG, there was an influx in Chinese immigration that traveled to California to work on the transcontinental railroad. Because of this influx, Hamilton blamed the lack of jobs for Californians on the Chinese immigrants. Soon after, US Congress took action in prohibiting the Chinese from immigrating to California. Congress later passed the Chinese Exclusion Act of 1882, which imposed restrictions on Chinese immigration.

The Modern Era (1887 - 1939)

During this time, the Attorney General was still the only employee in the Attorney General’s Office. He did not have any support staff until George Johnson became the fifteenth AG in 1887. Due to the heavy amounts of paperwork that run in
and out of the office, Johnson felt he should have some support staff to assist with the work. He requested funds from the Legislature to hire a full-time clerk. In his bid for a clerk, Johnson pointed out that the Texas Attorney General’s office had four employees and had considerably less work to do than the office in California. Unfortunately for Johnson, the Legislature did not approve the staff increase until years after his request (Shuck, 1901).

In 1890, the first foreign-born attorney general was elected. William Hart was born in Yorkshire, England and his family immigrated to the United States when he was four years old. When he took office, he reported that he had a heavy caseload waiting for him. He found many cases, some as old as fifteen years, that were still pending from prior AGs. To help sort through this heavy caseload, Hart was given two extra deputies and one shorthand reporter. He then reorganized the office into two different divisions; one that would manage all criminal cases and the other would manage all civil cases. With this increase in staff as well as the increasing power given to the AG’s Office, the Attorney General became a powerful position within the state.

During the 20th century, the Attorney General’s office continued to grow into a highly respected office. It was during these years that the Office became a considerably more professional organization than it had been in past years. After the 1906 major earthquake that shook San Francisco, the AG’s Office was needed to assist in the upkeep of the law after the event. The Office was called upon by the Insurance Commissioner to assist after the collapse of many insurance companies who were then
unable to pay claims. After the horrific 1906 event, the Attorney General fought to have the Legislature standardize insurance regulations.

For more than a quarter of the 20th Century, Ulysses S. Webb held office as the California Attorney General. On September 15, 1902, the Governor appointed Webb as AG after the current AG resigned from the position. During the following election, Webb was officially elected into office. He then served nine consecutive terms and was in office for thirty-seven years. At the beginning of his term, Webb’s salary was $3,000 per year. By the end of his career, he was earning $11,000 a year. He held offices in Sacramento and San Francisco and later, opened one in Los Angeles.

One of Webb’s most important successes while in office was his prosecution of a murderer in 1904. Webb went up against the high-profile defense attorney, Grove Johnson. Johnson was the father of the future California Governor Hiram Johnson, who Webb served under as Attorney General from 1911 to 1917 (McLeod, 1984). The defendant, Adolph Weber, was accused of murdering four family members. With little evidence to support the prosecution, Webb successfully won a conviction and Weber was hanged at Folsom Prison in 1906.

In the early 20th century, California began to see a rise in illegal drug use within the state. This problem became one of Webb’s main concerns. In 1927, Webb assisted in the creation of the Bureau of Narcotic Enforcement (BNE). BNE was placed under the Department of Penology in 1929 where it would remain until moving to the Department of Justice in later years. Due to the Great Depression, it was extremely difficult to enforce narcotic laws in California and soon the Legislature
began to cut funding to the bureau. Webb fought these cuts with no success, and in 1933 BNE’s funding was cut from $202,800 to $30,000 (Castaneda, 2007).

In 1934, Webb had fifty deputies working with him in the three offices in California. The AG’s Office was involved in many high profile cases and assisted in defining the state’s legal system as well as California society. Many felt his years in office were a success and they praised Webb for his accomplishments; however, there were others that believed he failed as a chief law enforcement official and criticized him for his failures. The decisions he made in office reflected what the majority view was at that time, leading many to follow and praise the attorney general, while others believed he was a disgrace to the office.

The Professionalization of the Attorney General’s Office (1939 – 1999)

The 20th Attorney General to serve in California was Earl Warren, the first AG to be born and raised in California, who then went on to serve as one of the nine Justices of the U.S. Supreme Court. Before Webb’s seventh term in office, Warren advised Webb of his plan to succeed him in office. When Webb informed Warren of his plans to run for a seventh term, Warren said he would not challenge him in the election, but to keep him in mind when he planned on retiring from office. Finally, in 1939 Earl Warren was elected into office with many ideas and plans to be established and implemented during his tenure as AG. His first matter of business was to change the laws regarding the Office of the Attorney General. First, he assisted in the passing of a proposition to establish the Attorney General as the second most powerful elected
official within the state of California (Castaneda, 2007). His second change to the office was that while in office, the AG could not operate a private practice like many AGs before had done. To compensate for the loss in wages from the private practice, Warren increased the AG’s salary to $11,000 a year. Additionally, Warren passed a law regarding the number of terms an attorney general could spend in office. After Webb’s nine terms in office, it was agreed upon that a term limit needed to be put in place. The limit set became two consecutive terms in office.

In 1944, the statewide law enforcement agency was reorganized and placed under the Office of the Attorney General. This agency was named the Department of Justice (DOJ) and operated under the administration of AG Robert Kenny. At this time, the DOJ only consisted of two bureaus, the Bureau of Criminal Identification and Investigation (BCII) and the Bureau of Narcotic Enforcement. Soon after, new divisions were adopted under the DOJ. These divisions were the General Administration, Civil Law and Criminal Law (California Department of Justice, 1982).

The Bureau of Criminal Identification and Investigation was very important to the state, especially to the prison system. BCII was responsible for collecting information about felons, fugitives, arrests, and persons known to possess bombs, concealed weapons and stolen property. BCII also collected fingerprints and the descriptions of all criminals arrested.

During Kenny’s term as AG, he hired the first woman attorney to work for the Department of Justice, Miriam Wolff, who worked in the Criminal Law section in San
In the years to follow, Palmer would become head of the Civil Division and Maier would become head of the Criminal Division.

In 1951, Edmund G. “Pat” Brown was elected Attorney General. He received the nickname “Pat” during junior high when he gave a powerful rendition of Patrick Henry’s ‘Give me liberty or give me death’ speech. Brown served two terms as AG before being elected as the Governor of California. Some of Brown’s concerns during his tenure were the rise in drug use, crime and the controversy of religion in the school system. However, his main concern seemed to be water, one of California’s vital natural resources.

During his first few years in office, Brown had to change the public’s opinion of the office. The former AG, Fred Howser, had lost much of the public support after the negative publicity received from an article claiming he had accepted contributions from gamblers (Castaneda, 2007). In 1950, Pat Brown stated, “Today the Office of the Attorney General has sunk in public esteem to a level unparalleled in the history of California. Its function has been diverted from one of public service to the point where its actions meet with public ridicule and even contempt” (“Brown Announces,” 1950, p. 2). At the end of his second term as AG, Brown discovered he was not ready to leave politics. He had a desire to run for a higher office, and did so in 1958 when he was elected as the Governor of California where he served two terms until being defeated by Ronald Reagan in 1966.
By the early 1960s, California became the most populous state in the United States. The 1960s also brought new challenges to California. To better deal with these new challenges, AG Stanley Mosk felt it was time to reorganize the DOJ. In 1962, the Division of Law Enforcement (DLE) was formed under the DOJ. This division was headed by O.J. “Bud” Hawkins; who still remains a very important figure to the DLE, even to this day. Also added to the DOJ were three newly created legal sections: Consumer Fraud, Civil Rights and Antitrust Law.

Another very important idea implemented into the Department of Justice during the 1960s, was the use of undercover BNE agents to identify and arrest those selling illegal drugs. At this time, there was basically no training for working undercover. All of it was ‘on the job’ learning. Agent David Fuentes stated, “…I learned to infiltrate on my own without an introduction by anybody…” (Castaneda, 2007, p. 96). These agents had to use their own handguns while undercover because the DOJ had not yet began to provide agents with weapons. The department provided vehicles to the agents. These vehicles were those that had been confiscated from perpetrators, and were transformed into undercover vehicles for the agents. Undercover agents were not provided bulletproof vests. If they wanted vests or any other safety equipment, they had to purchase the equipment with their own money. Because of this, narcotic operations became extremely dangerous for the agents. In the past, suspects often times did not carry weapons; however by late 1960s, there was an increase in those that did. Fortunately, soon after, DOJ agents were supplied with duty weapons while on duty.
Over the next few decades, the Attorney General’s Office continued to grow, along with the DOJ and DLE. In the 1980s, DLE adopted another division called the Western States Information Network (WSIN). WSIN assisted law enforcement with the sharing of criminal information among California, Oregon, Washington, Alaska and Hawaii. This division assisted with the efficiency and effectiveness of law enforcement in all of these western states. It became very simple and helpful for law enforcement officials to share data and assist other states with criminal cases.

Narcotics continued to be a rising problem in California. BNE continually had the largest budget of all bureaus within the DOJ. A major problem for California was the illegal growing of marijuana farms throughout the state. In 1984, the program titled Campaign Against Marijuana Planting (CAMP) was implemented to eradicate marijuana farms found by agents. By 1986, CAMP had found and destroyed 506,568 marijuana plants worth approximately $1.2 billion (Castaneda, 2007). Today, CAMP remains a very important program to DOJ. During the 2009 CAMP season, which runs from August through the beginning of October, special agents destroyed over four million marijuana plants (R. McLaughlin, personal communication, October 6, 2009).

Attorney General John Van de Kamp believed it was his duty to assist in the combating of a new and rising disease in the 1980s. This disease, Acquired Immune Deficiency Syndrome (AIDS), did not have a cure and Van de Kamp believed his role in fighting this disease was to begin drug testing in California. The AG participated in
drafting the legislation that was signed and passed by the Governor. California then became the first state to control tests for drugs to treat and cure AIDS.

California’s twenty-ninth AG was Dan Lungren who was elected in 1990 and served two terms. Lungren’s main concern while in office was crime on which he spent most of his time. Lungren believed that the death penalty was an effective deterrent to crime and campaigned to enforce the death penalty in California. The death penalty had been reinstated in 1977; however executions would not take place until Lungren rallied to enforce it. Then, on April 21, 1992, Robert Alton Harris became the first person to be executed in California since 1977.

Lungren was involved in the Legislature that passed the ‘Three Strikes and You’re Out’ initiative. The ‘Three Strikes’ law enforces a sentence of 25-years to life to be imposed on repeat offenders (Mullins, 1998). If it is the offender’s third strike, he or she will receive a hefty jail sentence for his or her crimes. This law was quick to pass by the public after the highly publicized case of Polly Klaas, who was kidnapped by a man who had already committed three strikes. Lungren also helped in the development and expansion of California’s Megan’s Law. Because of this law, all sex offenders are required to register with their local law enforcement agency and the information is now accessible to all concerned citizens. Soon after, this information became readily available on the Megan’s Law website.


Bill Lockyer became the first Attorney General of the 21st century when he
took office in 1999 and remained in office until 2007. By the time he took office, the Office of the Attorney General had a great amount of resources available to him to assist in supporting the 85,000 state peace officers (Castaneda, 2007). He was able to improve the communications between local law enforcement and the AG’s Office and represented law enforcement on policies and budget issues brought to the State Capitol.

During Lockyer’s term there seemed to be an increase of abuse on the elderly, so DOJ decided to take a leadership role in fighting against elder abuse. A new bureau within the DOJ was created, titled the Bureau of Medi-Cal Fraud and Elder Abuse (BMFEA). The AG’s Office was now able to criminally prosecute nursing homes for negligent patient care. BMFEA instituted the “Operation Guardians” which allowed agents of the task force to perform surprise inspections of all of the nursing homes in California. BMFEA continues to be successful in the fight to prevent abuse on the elderly.

The Office of the Attorney General has grown to be a very important entity to the state of California. The Office has grown into a powerful institution that has taken the responsibility for fair and effective administration of justice. The Office will continually face many more legal and policy changes as well as new challenges in their fight against crime.

Throughout the history of the Office of the Attorney General, many effective leaders had taken office and successfully improved the office and transformed it into a
powerful organization. This office in turn, assisted California in becoming the third most populous state in the United States.

Theory of Leadership

For any business, whether it is a government office, restaurant, or in the private industry, one knows that to be successful, there must be proper leadership in place. A great leader is very important in ensuring subordinates are given clear and concise instruction of job duties, a positive work environment, and the support of the leader. The leader must also provide all of the needed elements to his or her subordinates to ensure all goals are reached (Northouse, 2006). If the leader is successful in supporting and effectively leading his or her subordinates, the place of business will be flourishing due to the positive work environment that all began with the leadership skills of the manager.

At the Department of Justice, supervisors and managers are sent to training courses to enhance his or her leadership ability. One such course is the DOJ Basic Supervision Course, which is tailored specifically for supervisors and managers. During the forty-eight hour training, the qualified instructors focus on leadership skills, coaching, mentoring and team building (“OPD,” 2009). Quality leaders are not born with the skill to be a successful manager or supervisor, it is learned through observation of other great leaders and through courses such as the one above.

Over the years, many theorists have developed theories to describe how a leader can achieve success in leading his or her staff. One such theory that discusses
the effectiveness of quality leadership is the Path-Goal Theory. This theory describes that a leader can affect the satisfaction, performance and motivation of his or her employees by meeting three goals (House, 2009). These three goals include the following: offer rewards to employees for accomplishing performance goals, clarify paths towards these goals, and remove obstacles to performance (House, 2005). However, even if these goals are met, there are some situations where even a qualified manager may not be successful in leading his or her employees.

Path-Goal Theory was developed by Robert House in 1971, but has been re-developed in more recent years. According to House (1996) the theory “…was developed to reconcile prior findings and anomalies resulting from empirical investigations of the effects of leader task orientation and leader person orientation on subordinate satisfaction and performance” (p. 324). Prior to House’s introduction of this theory, other leadership theories were based on only task and person orientation. This dyadic theory of supervision relates to the relationship between appointed supervisors and his or her subordinates in their daily functions. It is the supervisor’s duty to assist his or her subordinates in reaching their goals by directing, coaching and guiding them along the way (Northouse, 2006). In most cases, this supervising strategy will bring many accomplishments to the office as well as a positive work environment for all employees.

According to House, there are four different types of leadership styles, which are dependant on the given situation. These leadership styles are: directive leadership, supportive leadership, participative leadership and achievement-oriented leadership
Directive leadership is when a leader gives specific advice to the employees along with the establishment of rules and structure (House, 2005). Supportive leadership is when the leader promotes good relations with the group. Also, the leader shows sensitivity and compassion to the needs of the employees (House, 2005). Participative leadership is based on the participation of the workplace as a group. The leader consults with the group and considers their suggestions as well as shares important information with his or her subordinates (House, 2009). The final leadership style described by House is the achievement-oriented leadership. This style describes leadership as a leader sets high expectations and goals for subordinates and in return, expects high level performance by the group (House, 2009). House believed that the outcome of all of these leadership styles should be a more effective workplace. Employee satisfaction will improve leading to more effort utilized and a higher performance level by employees.

There are many supporters and critics, such as Hamid Akbari, of this theory. Akbari, from Northeastern University, believes that a leader will not know how to properly implement a leadership style after choosing an appropriate style for the situation. Many researchers and theorists, such as William Lindsey and Larry Pate, believe that path-goal theory is a very useful theoretical framework in the understanding of how numerous leadership behaviors affect the satisfaction of employees and their on the job performance (House, 2009). Critics believe this theory is complex and incorporates too many different aspects of leadership making it hard to implement in the workplace. Also, critics believe the theory fails to explain the
relationship between leadership behavior and the employee motivation (Northouse, 2006). Even with critiques, the path-goal theory offers valuable ideas that can be applied to improve leadership.

Path-Goal Theory and the Department of Justice

The Path-Goal Theory can be applied to the Department of Justice managers and supervisors. The leaders of the DOJ do their best in providing employees with all of the necessary elements needed to attain goals and finish assignments in a timely fashion. The managers of the FPU direct and guide the security officers and support staff, to ensure all duties and tasks are completed fully and on time. One manner in which this is achieved is through the FPU Training manual. The FPU Training manual, given to all FPU security officers hired by the Department of Justice, includes all job descriptions and duties of the security staff. The supervisors have provided a written manual with clear and concise instructions of what is expected of the security officers while on-duty at any of the buildings secured by the FPU unit. This manual explains exactly what is expected of them, how all tasks are to be completed and additionally, gives a timeline for task completion. The standards and rules located in the manual are clearly written so security officers can easily follow the instructions given. This manual assists in the supervisor’s duty to ensure all goals set by the supervisor are reached with the officers.

Through path-goal theory’s directive leadership, the supervisors of the FPU have given subordinates clear instruction of tasks by ensuring what is expected of him
or her, how the task should be completed and the timeframe of which it should be completed. These instructions are written in the manual if needed for later reference. The supervisors ensure all subordinates clearly understand these instructions and furthermore, assist in reaching goals set through guidance, support and coaching.
Chapter 3

PROJECT PROCESS

I currently work as a student assistant at the Department of Justice. There, I work for the Director and Deputy Director of the Division of Law Enforcement (DLE). My tasks include answering phones and other secretarial duties, such as tracking and updating correspondence logs, coordinate meetings and make travel arrangements for the Director and Deputy Director. A year ago, Special Agent Supervisor (SAS) Ester O’Keefe contacted me with a special project. She knew I was in the graduate program at California State University, Sacramento, for she had recently graduated with her bachelor’s degree in Criminal Justice from Sacramento State. SAS O’Keefe currently is the supervisor of the Facilities Protection Unit (FPU) within the DLE. She informed me that she had a special project that I could potentially utilize as my culminating experience. The current training manual given to the security guards of the FPU was out of date and in need of major revisions and updates. SAS O’Keefe asked that I take responsibility of the project.

My first priority was to read through the manual and familiarize myself with the material found in the training manual. The manual was very unorganized and was not formatted correctly. After I had familiarized myself with the training manual, my first task was to correct the simple mistakes, such as grammar, spelling and formatting errors. There were quite a few sentences that I felt did not flow smoothly and needed to be rewritten. Additionally, there were many misspelled words throughout the document in need of correction. While trying to amend the format of the manual, I
had major difficulties in properly formatting it. At times, it seemed the best option would be to completely start over and retype the entire document, but I continued to push through, fixing all formatting mistakes. The re-formatting of the document proved to be the most time consuming and frustrating task of the revision.

Once these tasks had been completed, I decided it was time to change some of the verbiage in the manual. Throughout the years, the Department of Justice has formally terminated and added many programs, bureaus and divisions, in addition to changing the names and titles of these groups. Many of these name and title changes had not been made to the manual and were in need of updating. For example, at the DOJ headquarters, the support staff for DLE used to be a part of the unit titled the Mission Support Branch (MSB). However, in 2007, this unit was renamed the Office of the Director, Executive Unit (ODEU). This unit appears very frequently in the manual and each occurrence had to be changed.

My next step, after completing these tasks, was to meet with SAS O’Keefe to discuss what needed to be edited out of the manual and what new policies and procedures needed to be implemented. After we broke down the manual section-by-section, deciding what needed to remain in the manual and what needed to be deleted, I was on my own with the revisions and updates. It proved to be a difficult process, incorporating new data and policies into the manual.

The older version of the manual often times would reference the DOJ Administrative Manual as well as the DLE Policy and Procedures Manual. Over the years, these manuals have been through many different revisions and updates with
much of the information changing each year. Because of this, I had to reference the revised manuals to ensure the information found in the FPU manual, correctly stated what was found in the DOJ and DLE manuals. Additionally, the FPU manual contains attachments of DLE General Orders and policies. These General Orders were old and outdated and some had been superseded by newer General Orders. It was my job to verify all General Orders attached in the manual were current. To do this, I had to research through the publications found on the DOJ’s Intranet. Once located on the Intranet, I incorporated them into the attachment section of the manual.

The older version of the manual often referenced certain DOJ forms, yet did not include these forms in the attachments. I felt it was important to include copies of these forms so the reader could reference and become acquainted with them. To do so, I had to research where the forms were located, whether it be an electronic copy found on the Intranet or only a hard copy kept at another Division of Law Enforcement office. If the forms were not found on the Intranet I had to request copies to be included in the manual. Obtaining forms to be referenced in the manual was the last step needed to finish the FPU training manual.

Once I felt I had completed the manual, I scheduled another meeting with SAS O’Keefe to review the manual to ensure the final product met her high standards. She read through the entire document and was extremely pleased with the final product. The manual had been greatly improved, and now SAS O’Keefe would be able to better equip the FPU security guards with this valuable training resource.
This manual will immediately be put to good use. It will be given to all current FPU security officers as a reference to their job responsibilities and tasks. Additionally, any newly hired officers will receive the manual to assist in the understanding and of the importance his or her duties are to the department. This manual will be used for several years to come, being read by many employees. Security is a very important issue in the world today. It is imperative to have the greatest security measures taken to ensure the safety of the innocent lives in this country.
Chapter 4

CONCLUSION

The strong leadership of the Office of the Attorney General (AG) has emerged and resulted in the success of the office over its years of existence. The achievements of the AG’s Office and the Department of Justice (DOJ) have proven the great leadership of those who have served as the Attorney General in the great state of California. The developments of the Office and the Attorneys General that have served since the office was established in 1849 have been great in assisting the state government in the foundation of a successful state.

Those who took office had many accomplishments during their tenure as AG, assisting in building the office into what it is today. Many of these great men continued their success in politics long after their time in office. Some continued on to become Chief Justices of the California and the United States Supreme Court, State Senators, and the Governor of California. Their successes in politics stand out and are remembered by many.

As the years have passed, there have been many changes in the United States and in California. There have been wars fought on foreign soil, attacks on our home soil by foreign groups and also U.S. citizens. Because of this, the military and law enforcement have worked countless hours protecting the innocent citizens of this country. After the events of September 11, 2001 along with smaller attacks such as the one at the Hennepin County Government Center, federal, state and local government offices have had to implement new security measures and improve those
already in place. Many government buildings now have armed security guards at all entrances along with metal detectors and other mechanisms to deter criminal acts on the grounds. Within the past few years, the California Department of Justice has taken a step towards protecting its employees by implementing a unit of security to maintain the safety of those men and women who enter all state buildings. Through great leadership and guidance, this unit, the Facilities Protection Unit (FPU), protects the DOJ buildings from criminal acts.

When the Department of Justice, Division of Law Enforcement (DLE) created the FPU, a training manual was also created for all of the FPU security guards. This manual is still used to this day by all security officers of the unit. However, in recent years, the supervisors of the unit had begun to realize the need for an updated version of this important document. With little time to spare of her own and without the staff to do such a task, Special Agent Supervisor (SAS) Ester O’Keefe tasked me with the duty to update the outdated manual.

Throughout the entire process of revisions, I felt there were no real limitations to this project. However, one limitation that did not affect my work but the final project is that this finalized manual will only be used primarily by the FPU within the Department of Justice, limiting the exposure of the manual. I believe this project could be useful to other law enforcement agencies in the state or federal level. This manual could be used as a guide to other agencies in need of a training manual for security officers.
SAS O’Keefe guided me as much as I needed and supported any and all changes I felt were necessary to the manual. During the project, she did not limit me in any way. SAS O’Keefe trusted my work ethic and skill to complete the manual with little supervision and guidance unless it was needed. During my research of DOJ policies and procedures, I was not limited in any findings. If I could not find the needed information on the DOJ Intranet, I was able to locate all necessary information from different division supervisors or through other outlets.

I felt I had all of the necessary resources needed to successfully complete the manual in a timely manner. Any forms or data needed, could easily be found on the DOJ Intranet or through speaking to the supervisors of the given unit or program. I received the needed assistance from many different outlets, and without this support, I feel the finished product would have been flawed.

Upon finishing the manual, I began my process of writing the research portion of my project. After deciding what I felt needed to be included in this portion, I began the research process. After countless hours of gathering and studying resources, I began the writing process. With hundreds of resources and research outlets, I did not feel limited in any way while researching for this project. I found numerous articles and data that supported my ideas and views that were included in the research paper. Not only was I able to gather information from scholarly sources from the Sacramento State library, I was able to find many books and articles for different sources. Additionally, I found many useful resources from employees and information supplied
by the Division of Law Enforcement. I definitely feel the strengths outweighed the limitations in completing this project.
APPENDIX

The Department of Justice, Division of Law Enforcement
The Facilities Protection Unit Training Manual
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, remain courageous and 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 in me in my official capacity, will be kept ever secret.

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 or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

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

The regulations and procedures outlined in this manual shall govern the operations of the Facilities Protection Unit (FPU). FPU currently has three locations: 1300 I Street, 1102 Q Street, and 4949 Broadway - all in Sacramento, California.

The 4949 Broadway FPU is managed by the Division of Law Enforcement (DLE), Office of the Director, Executive Unit (ODEU), FPU Manager.

FPU locations are governed by the policies and procedures set forth in this manual.

1.1 FPU Manual

The FPU Security Officer's Manual shall be distributed to all Security Officers. The employee shall immediately read the manual and sign a statement that he/she has read the manual contents (Attachment A). The signed statement shall be maintained in the employee’s personnel file. The employee’s direct supervisor shall ensure that this activity has been performed. The manual must be returned to the direct supervisor upon termination of employment.

The FPU Manager is responsible for the maintenance and updates of the FPU Security Officer's Manual. Executive-approved changes in policy or procedure shall supersede existing manual sections where indicated.

1.2 Purpose

The intent of this manual is to establish policies and procedures, which govern the FPU Security Officers. This manual encompasses and describes the personnel, equipment, and procedures necessary to the fulfillment of FPU's responsibilities.

1.3 Controlling Policy

If these policies or procedures are in conflict with any other policies, Department of Justice (DOJ) policy or Administrative Bulletins shall supersede.
2.0 AUTHORITY

Section 830.4 (c) of the California Penal Code states that Security Officers of DOJ are peace officers only when performing assigned duties as Security Officers.

Security Officers, per this section, may carry firearms only if authorized and under terms and conditions specified by the DOJ.

DOJ policy specifies that officers shall carry a weapon only while on assigned duties, either in uniform or plain clothes. Officers shall not carry weapons in a training class that is not of a law enforcement nature, i.e., CPR/first aid, defensive driving.

Assigned, State issued duty weapons shall not be removed from the facility unless it is to be taken to the range.
3.0 **RESPONSIBILITIES**

The physical protection of employees, equipment, and facilities of the DOJ is the primary responsibility of the FPU. The California Highway Patrol, Sacramento Police Department, and UC Davis Police Department will provide assistance when and if necessary.

**Levels of Security/Responsibility**

3.1 **First Level of Security**

The Manager of the FPU shall be responsible for direct management, which would include the control and coverage of the facilities and grounds i.e., prevent acts of vandalism in the buildings and on the grounds, control access into the facilities, and provide protection for employees.

3.2 **Second Level of Security**

Directors of the Divisions housed at the Broadway facility shall be responsible for designating maximum security areas within their organization, such as Central Services, the Bureau of Forensic Services (BFS), the Bureau of Investigation and Intelligence (BII), Hawkins Data Center (HDC), etc.

3.3 **Third Level of Security**

Supervisors shall be responsible for security in their work areas. Persons not assigned to the work area should be questioned by the supervisor as to the reason why they are in the area, and if not on legitimate business, be advised to return to their assigned area. If the service person does not have proper identification, the Security Office is to be advised. Supervisors are to instruct their employees of the continuous need to be security conscious.

3.4 **Fourth Level of Security**

It shall be the responsibility of all DOJ employees to question unfamiliar persons who appear unauthorized in the facility and/or their work area. If the person is not on legitimate business, the employee shall inform his/her supervisor of the situation.

3.5 **Unusual Events**

When practical, unusual situations and critical incidents or events should be referred to the FPU Manager or the Security Officer II for resolution.
3.6 Security System Description

All exterior doors are locked and alarmed and are specifically keyed to be unlocked from the exterior by on-duty Security Officers only. From the interior, all doors are marked as "Emergency Exits" and can be activated by release bars. A 24-hour patrol of the facility is maintained by radio-equipped Security Officers. More sensitive and vulnerable interior operations are further protected by cameras and secondary door controls. Admittance to these areas is controlled by assigned personnel from these units. A list of authorized persons for designated area is maintained in the FPU Administrative Office. General entry and exit of the 4949 Broadway facility is limited to three control points:

1. The visitor entrance is at the south end of the entrance of the facility. This is operationally controlled by Security Officers, Monday through Friday, 0600 to 1900 hours excluding state holidays. The door is locked and alarmed at all times other than the designated business hours.

2. The employee entrance at the north end of the facility is staffed 24 hours per day, seven days per week, by a Security Officer and is the location of the FPU Security Office.

3. The service entrance is located at the Central Services loading dock. This post is operationally controlled by a Security Officer or a designated DOJ employee, Monday through Friday, 0600 to 1700 hours excluding, and is limited to use by delivery and service personnel, mail room and warehouse only. The door is locked and alarmed at all times other than the designated business hours.

Central control of the facility rests with the FPU Security Office located at the north entrance of the building. Maintained within this structure are the security computers, closed-circuit television, motion detectors, monitors and enunciator panels, which control the interior and exterior security system.
4.0 JOB DESCRIPTIONS

4.1 Security Officer II, (Sergeant) Department of Justice (DOJ)

Under the direction of the Special Agent in Charge of the FPU, the Security Officer II position is the first supervisory level in the Security Officer series. This position has limited peace officer powers as defined in California Penal Code section 830.4 (c). The Security Officer IIs will carry a Department issued or Department authorized firearm, baton, pepper spray, and other safety equipment as required by the Department. They will carry these items only while on duty. In order to carry these items, the officers will maintain department approved proficiency and/or qualifications with the safety equipment.

Security Officer II duties include, but are not limited to the following:

- Provides daily supervision to a staff of Security Officer’s I, engaged in providing security at a department occupied facility;
- Prepares assignment schedules;
- Provides relief for staff which includes controlling entrance and exit of employees, allied agency personnel, service personnel and visitors;
- Checks credentials and badges;
- Issues building identification badges and/or key cards;
- Maintains logs regarding the various functions assigned to the security operation providing referral information to employees and the general public;
- Investigates unusual, suspicious, dangerous, and/or defective conditions on the premises;
- Provides and coordinates staff training;
- Evaluates staff performance and takes appropriate action as necessary
- Supervises the handling of the most difficult security incidents;
• Reviews and approves incident and crime reports prepared by subordinate staff;

• Maintains the security operations manual;

• Maintains unit administrative records;

• Inspects and ensures that all unit equipment is properly maintained;

• At the direction of the Special Agent in Charge, performs a variety of special projects related to security operations;

• Performs the duties of Security Officer 1.

4.2 Security Officer I, DOJ

Under the general direction of a Security Officer II, DOJ, this position is assigned to one of three shifts in a 24-hour operation to provide security at a DOJ facility. This position has limited peace officer powers as defined in the California Penal Code section 830.4 (c) which includes the powers of arrest. The incumbent will carry a firearm, baton, tear gas, and any other safety equipment as required by the Department and only while on-duty. Duties include, but are not limited to the following:

• Enforces department security regulations by patrolling designated entrances and grounds of a department occupied facility. This involves controlling the entrance and exit of employees, allied agency personnel, vendor personnel, and visitors;

• Checks credentials and badges;

• Issues identification badges;

• Maintains logs regarding the various functions assigned to the security operation;

• Provides referral information to employees and the general public;
• Investigates unusual, suspicious, dangerous, and/or defective conditions on the premises, and provides for their resolution;
• Assists department and/or local law enforcement personnel in the implementation, coordination, and resolution of emergency procedures and situations at a department-occupied facility;
• Administers first aid and/or cardiopulmonary resuscitation (CPR) if needed.
5.0 DUTY ASSIGNMENTS

5.1 Employee (North) Entrance Assignment, Control 6

The employee entrance at the Security Office is operationally controlled by Security Officers on a 24-hour basis, seven days a week, and is the control center for the building security program. This entrance is the primary entry point for building employees. The assigned officer will be responsible for issuing employee, visitor, and vendor badges as necessary; monitor all alarm and surveillance systems; handle emergency calls; and dispatch the Patrol Officer as required. (In the absence of a Security Officer, his/her designee will act as Lead Security Officer.)

5.2 Security Officer Assignment, Patrol

It is the responsibility of the Security Officer to patrol both the interior and exterior of the facility on a regular basis; to look for and investigate irregularities; respond to alarms; ensure the safety of employees and visitors; and to provide relief to entrance stations as necessary. The patrol will investigate any suspicious actions or occurrences on DOJ property, keeping the FPU Security Office fully advised via the radio, of the nature, location, and status of the incident, if any. An incident report will be completed before going off duty of any suspicious actions or occurrences. (Refer to Section 7.3)

To ensure safety, the Patrol Officer at the Broadway facility is required to call in on the radio every half hour. At the security booth, the Control/Security Officer shall enter call-in information on the radio log. (Refer to Section 7.2)

Equipment for this assignment will include, facility keys, a handi-talkie radio, flashlight, raincoat, pepper spray, soft body armor, handgun, baton, handcuffs, and patrol vehicle.

At the end of the shift, the Patrol Officer will check in at the FPU Security Office, return facility keys and handi-talkie radio, ensure that the relief officer has arrived, complete all incident and/or crime reports, and brief personnel coming on duty. The oncoming Patrol Officer shall check the daily logs, incident reports, and security bulletins and become aware of the information contained in the documents as resource information when performing duties.

5.3 Front (South) Entrance Assignment

The front security booth serves as the primary entrance for visitors and as a secondary entrance for employees. Additionally, it serves as the reception area
for the Division of Law Enforcement (DLE) and the Division of Criminal Justice Information Services (DCJIS).

When answering the telephone, the facility will be identified as the "California Department of Justice." Only referral information of an official nature is furnished, such as reference to a specific section or the business telephone number of a specific individual. Requests for verification of employment will be directed to the Personnel Transaction Unit at 1300 I Street, at (916) 323-5580.

5.4 Service Entrance Assignment

The service entrance is located near the loading dock and is used primarily for deliveries and for service personnel. The assigned Security Officer or designated DOJ employee will provide vendor or visitor badges in accordance with DLE security policies and monitor the entrance and exit of authorized personnel and vehicles (Refer to Section 7.5).

5.5 Security Check-in

During the hours of 1800 - 0600 on weekdays, and all day on weekends and holidays, officers will call their security status in to the Broadway Facility north booth at 227-2222 every two hours. Check-ins will be logged in. If no check-in is received from I Street, the Broadway officer will call to check status, and a patrol response (by FPU officer or CHP) may be conducted to determine status.

5.6 Officer Cell Phone

Between the hours of 1800 - 0600 on weekdays, and all day on weekends and holidays, the officer will carry the FPU cell phone. Officers will carry the FPU cell phone when on outside patrol regardless of the time of day.

5.7 Security Booths

Security Booth doors at all facilities will be closed and locked during business hours, unless assisting a DOJ employee.

5.71 Assigned Posts

Officers or guards will remain at their assigned posts until properly relieved unless during emergency situations or directed by the lead shift officer, on-duty supervisor, or the Special Agent in Charge.
5.72 Leaving Assigned Facility

Facility Protection Unit supervisors are to remain at their assigned Department of Justice facility unless authorized to leave by the FPU Manager, their designee, or DLE higher management. Exceptions to this would be emergencies or calls for assistance from another facility.

5.73 Reading Material On Post/Visitors

Security officers must remain focused on facility security matters and not be distracted by reading recreational material in the security booths - such as newspapers, magazines, etc. Additionally, security officers will not allow visitors or non-FPU employees into the security booths, unless they have legitimate business to conduct.

5.74 Keep Work Areas Clean

Pick up trash, vacuum if needed, and make your post clean for the next person who relieves you. Call DGS Janitor Staff if needed to assist you.
6.0 OPERATIONAL PROCEDURES

6.1 Response to Injury or Illness

Upon responding to a reported injury or illness within the DOJ facility, the Patrol Officer will advise the FPU Control Officer of the nature, location, and status of the incident, request backup assistance if needed, request emergency medical assistance if needed, and administer the necessary emergency first aid.

6.2 Emergencies and Assistance Requests

Upon notification of an emergency within the DOJ facility or request for assistance, the Patrol Officer shall be dispatched to the site of the emergency by the officer controlling the FPU Security Office. If requested by the Patrol Officer, the Control Officer shall notify the California Highway Patrol and other proper authorities. As soon as possible, following any serious incident or emergency situation, the Lead Security Officer shall notify the Security Officer II. The assigned Security Officer II will then notify and advise the Manager of the FPU of the current situation. The Security Officer II and the Manager of the FPU will be immediately notified in all cases of medical emergency and employee or officer endangerment that is potentially life threatening. The Security Officer will then complete an incident report or crime report, documenting the situation.

6.3 Emergency Procedures

In all cases of an emergency that are potentially life threatening, the Security Officer shall follow procedures directed by the Facility Emergency Plan. The Facility Emergency Plan is located in a binder in the north booth and in the crisis box that is also located in the north booth.

In an emergency situation, the following priorities shall prevail:

1. Protection of human life.
2. Protection of records and vital equipment.
3. Protection of the physical facility and its contents.

6.4 Emergency Telephone Numbers for Employees

Security Officers shall release telephone numbers of DOJ employees only to DOJ management, who are on the DOJ confidential list and authorized
Command Center personnel, upon request. During major investigations, Bureaus may furnish temporary lists of telephone numbers of selected personnel to the Command Center to facilitate direct contact.

6.5 Confidentiality

To maintain telephone number confidentiality, FPU Security Officers shall not divulge telephone numbers on any emergency list to anyone other than DOJ management. DOJ management is defined as: DOJA I; SAC level or above. The Command Center and/or FPU shall identify DOJ managers by requesting their social security number and matching this number against the confidential list before providing the requested phone number. In all other instances, they will take the caller's name and telephone number, contact the person requested or his/her supervisor, and relay the requestor’s telephone number.

Command Center (Normal Business) (916) 227-3244

Broadway Entrance Security Booth (916) 227-3190

FPU Security Office (916) 227-2222

1300 I Street Security Office (916) 322-3793

6.6 Emergency Notification Cards

For informational purposes only, at the Broadway facility, it shall be the responsibility of each Division to ensure that every employee has two (2) EMPLOYEE EMERGENCY NOTIFICATION (JUS 117) cards on file. New employees shall complete the cards on the first day of employment. The cards shall be signed by the employee and checked and initialed by the employee's immediate supervisor.

One card shall be placed in a secure file by the employee's supervisor, which has limited access to ensure employee privacy. The file will be located at the employee's work assignment. The second card shall be forwarded through the respective Bureau to the ODEU for employee telephone roster update purposes before they are routed to the FPU Security Office. All emergency information will be entered by FPU, Security Officer II’s into the Emergency Notification Data Base when an employee is issued a building badge. A master file of the Employee Notification cards are maintained in the FPU Security Office for all DLE employees, DCJIS employees, as well as other DOJ employees employed at the 4949 Broadway facility. (Emergency notification information on vendor personnel is maintained within the database for the identification card.)
The Employee Emergency Notification cards are utilized for updating the employee roster and for emergency notifications. It is mandatory and in each employee's own interest, that new cards be submitted when there are changes to the information contained on the card. This shall include changes that occur as a result of transfer between units, address change, emergency contact change, etc.

6.7 Use of Force

It is DOJ’s policy to resort to the use of less lethal devices that Special Agent personnel have been trained to use (OC spray, batons, distraction devices, etc.) only when it appears to be reasonably necessary and only after other alternatives have been considered. Use of distraction devices shall comply with Section 8.23. This policy does not establish minimum requirements. There may be deviations from the policy where operational circumstances dictate.

Special Agents who use a less lethal weapon while engaged in the performance of their official duties in other than approved DOJ training/qualification activities shall immediately report the incident to their SAS. The SAS shall immediately report the incident via the chain of command to the Bureau Chief. In the event of the Special Agent’s inability to comply with this reporting requirement, the responsibility to report shall rest with all Special Agents who witnessed the incident. The reporting Special Agent shall document the details of the incident in a written memorandum to their SAS within 24 hours. The SAS shall immediately forward the memorandum via the chain of command to the Bureau Chief. This information shall be included in the arrest report.

The use of force by law enforcement personnel is a matter of critical concern both to the public and the law enforcement community. Peace officers are involved in numerous and varied human encounters and when warranted, may use force in carrying out their duties when making an arrest, preventing the escape of a suspected offender, and to overcome resistance. Peace officers must have an understanding of, and true appreciation for, the limitations on their authority– particularly with respect to overcoming resistance from those with whom they come in contact during the course of their official duties.

DLE recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting peace officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

It is the policy of DLE that peace officers shall use only that amount of force which reasonably appears necessary, given the facts and circumstances
perceived by the peace officer at the time of the event, to effectively bring an incident under control. “Reasonableness” of the force used must be judged from the perspective of a reasonable peace officer on the scene at the time of the incident.

California Penal Code §835 (a) provides that:

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 affect 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/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Given that no policy can realistically predict every possible situation a peace officer might encounter in the field, it is recognized that each peace officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. Building flexibility into a peace officer’s determination of the appropriate use of force is advisable and acceptable, if not essential, given that the standard for evaluating a peace officer’s use of force is the reasonableness of the use of force under the facts and circumstances known to the peace officer at the time. Thus, each incident must be evaluated in relation to the particular situation. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a peace officer to actually sustain physical injury before applying reasonable force.

6.71 Factors

As noted, any application of force by DLE peace officers must be judged by a standard of “reasonableness.” When determining whether or not to apply any level of force and evaluating whether a peace officer has used reasonable force, a number of factors should be taken into consideration. Those factors should include any and all factors which influence the peace officer’s perception of the incident and threat assessment at the time of the incident.

Such factors include, but are not limited to:

- The conduct of the individual(s) being confronted (as reasonably perceived by the peace officer at the time)
• Peace officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, number of peace officers vs subjects, training/experience, and personal fitness)
• Influence of drugs/alcohol (mental capacity)
• Proximity/potential of weapons
• Availability of other options (what resources are reasonably available to the peace officer under the circumstances)
• Seriousness of the suspected offense or reason for contact with the individual(s)
• Potential of injury to all concerned
• Risk of escape
• Exigency of circumstances

6.72 Level of Force

It is recognized that peace officers are expected to make split-second decisions, and that the amount of time available to evaluate and respond to changing circumstances may impact a peace officer’s decision.

While various levels of force exist, each peace officer is expected to respond with only that level of force, which reasonably appears appropriate under the circumstances at the time to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

The appropriate use of force should escalate or de-escalate based on the offender’s actions and responses. Force beyond that amount which is necessary and reasonable is excessive. Excessive force is not permitted and will not be tolerated.

6.73 Reporting the Use of Force

Reporting the use of force shall be in compliance with all appropriate DLE General Orders and manual sections and shall comply with the Division’s report writing standards. In addition, any use of force which results in a complaint of injury or subsequent claim of injury by an individual shall also be documented in an investigation report.

6.74 Summary

The decision to use force rests with each peace officer. While there is no way to specify in advance the exact amount or type of reasonable force to be
applied in any situation, each peace officer must justify the level of force used and the reasonableness of that level.

6.8 Suspicious Actions

Security Officers shall be alert to actions or occurrences which are out of the ordinary or of a suspicious nature. When in doubt, it shall be assumed that the action or occurrence is potentially hostile or dangerous. Assistance shall be summoned as the circumstance requires, and the situation shall be thoroughly investigated. An incident/crime report shall be submitted on all suspicious activity to the Security Officer II by the end of the Security Officer’s shift.

6.9 Patrol and Building Security Responsibilities

The Security Officer patrol responsibilities will include ensuring the safety of employees and visitors; regular patrol of the interior and exterior of DOJ facilities; respond to building alarms; and relieve stationary posts as necessary. Officers on patrol shall investigate all suspicious activities or incidents occurring on DOJ properties. Security Officers on patrol for officer safety shall maintain radio contact every half hour with the FPU Control/Security Office keeping the office updated of their patrol status. The Control/Security Officer shall log all information received on the radio in the radio log book, with the date, time and nature of the call. Any incident discovered shall be reported immediately on the radio and shall include the time, location and nature of the incident and whether assistance is needed. If an incident report is required, the report shall be completed before the officer goes off shift for the day, and it is the officer’s responsibility to inform the supervisor or the FPU Manager. (Refer to Section 7.3)

While on patrol all security officers shall have on their duty belt with their department issued handgun and equipment, vest, a set of keys to the facility, a portable DOJ radio, and flashlight.

At the end of the shift before the patrol officer check out at the FPU Security Office, return facility keys, ensure all incident/crime reports are completed, and brief the relief officers upon their arrival. At the beginning of each shift, security officers are expected to be fully briefed, review and be familiar with the new information listed on the daily logs, and incident reports, and security bulletins.
6.91 **South Broadway Entrance**

The South security booth serves as the primary entrance for visitors and as a secondary entrance for employees. When answering the telephone, the facility will be identified as the “California Department of Justice” and only official referral information shall be given to the public. All requests for employment verification shall be directed to the Personnel Transaction Unit at 1300 I Street, at (916) 323-5580.

6.92 **Dock Entrance**

The dock entrance is located near the loading dock and is used primarily for deliveries and for service personnel. The security officer at this location will provide vendor or visitor badges in accordance with DLE Security Policy and procedures and monitor the entrance and exit of authorized personnel and vehicles (Refer to Section 7.5).

6.93 **1300 I Street Facility**

Central Control center is located in the 11th floor FPU Security Office, along with in the radio dispatch, and the surveillance camera monitoring system. The FPU Security Office is maintained and operational for 24-hours a day, 7-days a week.

6.94 **Central Control Responsibilities**

Central Control is a stationary post monitored 24-hours a day, 7-days a week. This post is responsible for monitoring the security monitors, dispatching duties, maintaining a daily report, and radio log.
7.0 ADMINISTRATIVE PROCEDURES

7.1 Reporting Procedures

Mini-memo, Incident Reports/ Crime Reports, will be the basic form used for all written communications to the Security Officer II that details repair work needed on the security system, suspicious activity observed, or other information that does not warrant an incident or crime report. All incident or crime reports shall be completed utilizing the computer.

7.2 Radio Log

All radio communications received or transmitted by the Security Officer shall be entered in the radio log by the Control Officer. This log is to be maintained 24-hours per day, seven days per week, from 0001 through 2400 hours. The Security Officer II will review the radio log each day, the radio log will be filed in chronological order, and retained for a period of three years. The radio log will be maintained by the Security Officer’s II in their administrative files within their offices.

7.3 Incident/Crime Reports

Reportable incidents shall include, any felonies, misdemeanors, suspicious actions, employee/visitor illnesses or injuries or any other incident deemed reportable by the Security Officer II, or Facility Unit Manager.

All incidents will be reported on the incident report form or crime report form and submitted by the Security Officer prior to completion of his/her shift. Reports will be forwarded to the Security Officer II for review and approval and then filed in chronological order. A second copy of each report will be placed on a clipboard located in the North booth at 4949 Broadway. The report should be forwarded to the FPU Manager for final review. All Security Officers shall review this information daily to become familiar with the information and utilize the information as a resource when conducting security duties.

7.4 Employee Roster

The employee roster is for official use only.

The following procedure should be used for processing employee roster changes. The Security Officer II at the Broadway facility or his/her designee shall update the employee emergency notification card information from the
Emergency Notification Database. If the employee is not in the data base because they have a non-computerized identification badge, the emergency notification card will be filed in the emergency notification card file located in the Security booth.

7.5 Vendor Access Roster

Vendor personnel conducting business within the 4949 Broadway shall be cleared by the FPU. All units using contract services must submit the name of the company contracted, the company representative's name, Live Scan and a completed Applicant Information (DOJ form 107), for each contracted employee. After proper clearance has been obtained from the unit Assistant Chief or above and reviewed by the FPU Manager, these persons will be placed on the Access Roster and will be issued a yellow non-escort badge. Any contractor doing business three or more days per week will be issued a permanent vendor badge. A one-day badge receipt (SCU 113) will be issued daily until the yellow non-escort badge has been approved.

7.6 Lost and Found Procedures

A lost and found log will be kept in the north security booth. The log will list the found items(s) by year and in numerical order (09-01, 09-02, 09-03, etc.) All lost and found items will be logged in immediately, then placed in a 9 x 12 manila envelope, or other appropriate envelope or bag, and sealed. The item will be placed in the lost and found property file cabinet drawer located in the north booth back office.

If an officer finds, or is given an item at the south or dock booth, they will keep the item until relieved and assigned to the north booth, at which time they will log in and secure the item.

If money is turned into the FPU, two officers, or FPU personnel, will count the money and seal it in a 9 x 12 manila envelope in the presence of the finder. The officers will then notify the FPU Manager by telephone or e-mail. The FPU Manager will take custody of the money and secure it in the FPU administrative office.

Lost and Found Coordinator

The Lost and Found Coordinator (Equipment Officer) will review the lost and found log every Friday to make sure items are properly recorded.
Claimed Items

If an item is identified and claimed, the original lost and found form will be completed and signed by the owner. The form will be filed by date, and maintained for one year in the back of the lost and found log binder.

Unclaimed Items

If lost property or money is not claimed within one year, the property/money will be turned over to the Broadway Employee Committee for disposition. Property that is perishable or toxic, which is not immediately claimed, will be disposed of in a safe and appropriate manner. The Lost and Found Coordinator will document the disposition of these items on the lost and found log.

7.7 Alarm Systems

At the Broadway facility, the security alarm systems will be tested each Friday evening by the swing and midnight shift Security Officers. Each exit is breached by the Patrol Officer who then reports the breach to the Control Officer. The Security Officer will prepare a mini-memo to the Security Officer II on all identified problems or to verify the current efficiency of the system.

7.8 Key Set Policy

There are working key sets for all three facilities - 4949 Broadway, 1300 I Street, and 1102 Q Street. The 4949 Broadway key sets are located in a key box in the north booth. The key sets are marked 1 through 6 and have three keys on each set:

1. Grand master key
2. Shotgun key
3. Handcuff key

The key box is kept locked unless removing or replacing keys.

Key Set Log Sheet

Removing or replacing keys from the key box will be logged in on the Key Set Log located next to the key box.
Key Audits

On day and swing shifts, the on-duty supervisor or senior security officer is required to conduct a key set audit at the beginning and end of their shift. On graveyard shifts, the audit is conducted at the end of the shift. The audits will be documented on the Key Set Log. The key sets are for on-duty officers only and will be placed back in the key box when officer or sergeant is off-duty.

Emergency Keys

Inside the key box are three sealed black plastic containers - each one containing:

1. Security access card key
2. Grand master key

These black containers are marked for Broadway, I Street, and Q Street, and provide complete access to the three facilities. If these keys are removed from the key box and opened for an emergency, officers/sergeants are required to document their use in a memo to the FPU Manager within four hours or by the end of their shift, whichever is sooner.
8.0 EQUIPMENT

8.1 Care and Use of Duty Equipment

FPU equipment and related supplies shall be used only in the official performance of assigned duties. Personal use of such equipment and/or supplies is prohibited. Security Officers shall be aware of and adhere to requirements and instructions necessary for the care and maintenance of specific FPU equipment. Only equipment issued by the Department or specifically approved for use by the FPU Manager will be utilized or possessed while on duty. An equipment inventory will be conducted on an annual basis by the Security Officer II and a written inventory will be completed and signed by the employee. A visual inspection of equipment will be conducted by the Range Master on a quarterly basis during range qualifications.

8.2 Portable Radios

All Security Officers, while on duty will be equipped with a portable radio. Each officer will be assigned individual radios; however, Retired Annuitants (RA) will check out pool radios at the beginning of each shift. It is the responsibility of each Security Officer to determine that the portable radio being used is fully charged and operational. Any portable radio that malfunctions or becomes inoperative will be tagged with a brief description of the difficulty and forwarded to the FPU Manager for repair. All portable radios not being utilized will be maintained in charger units.

8.3 Body Armor

Flexible body armor has been provided for each Security Officer. Each officer is required to wear body armor while on duty. Any Security Officer who is not in uniform and performing administrative duties, may request an exemption from this rule. These exemption requests will be in writing to the FPU Manager.
9.0 FACILITY SECURITY

Facility Security - Introduction

Due to the law enforcement mission of the Department of Justice and the sensitive nature of data maintained by certain divisions and bureaus within the Department, there is a potential risk that some persons may seek unauthorized access to the Department and its records. In order to maintain a safe and secure workplace, the Department has established a policy requiring its employees and visitors to display a DOJ-authorized identification badge, at all times, while in the Broadway facility. (Areas open to the general public, if any, are excluded from this requirement.)

9.1 Identification Badges

All persons employed at or visiting the Broadway facility will be required to wear an identification badge at all times while in that facility. DLE and DCJIS employees will be issued a permanent badge which will be readily distinguishable from the visitors’ badges. Identification badges will be displayed below the neck and above the waistline and must be readily visible from the front. Building identification badges will be displayed upon entering the building and will continue to be so displayed at all times while in the building. All employees are issued an identification badge. DOJ employees who are sworn law enforcement personnel will be issued a sworn employee identification badge.

Identification badge photos will be processed by the Security Officer II. If the Security Officer II is not available and it is deemed as an emergency by the unit manager or ODEU Headquarters, the FPU Manager, may make the identification badge. New employees will be escorted by their supervisor, to the FPU Security Office on the first day of their employment, or as soon thereafter, for an identification badge photo. The employee’s supervisor will provide FPU with a completed DLE 217 form, Authorization for Issuance of Building Identification Badge. Photographs will be taken and an identification badge will be prepared at that time. Property receipts will be completed by all employees’ receiving sworn identification building badges. The original copy of receipt will be maintained in the Broadway FPU Supervisor’s office indefinitely.

Employees, visitors or vendors who have been issued a building identification badge and have a specially trained guide dog, signal dog or service dog, shall be allowed admittance to the facility with the dog.
California Penal Code Section 365.5, Crimes and Punishments states: “No blind person, deaf person or disabled person and his or her specially trained guide dog, signal dog, or service dog shall be denied admittance to facilities and other places to which the general public is invited within this state because of that guide dog, signal dog, or service dog.”

The term, “guide dog” means any guide dog or seeing-eye dog that was trained by licensed person in Division 3 of the Business and Professions Code or that meets the definitional criteria under federal regulations.

The term, “signal dog” means any dog trained to alert a deaf person, or a person whose hearing is impaired, to intruders or sounds.

The term, “service dog” means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

9.2 **Employee Identification Badges - Faded or Mutilated**

Faded or mutilated badges are reported to the FPU Security Office as soon as possible for replacement as approved by the Security Officer II. The employee must complete a DLE 217 Form, Authorization of Re-Issuance and/or Deactivation of Building Identification and/or Key Card, and have it signed by their unit supervisor before a new badge can be issued. Upon receipt of a replacement building badge, the faded or mutilated badge shall be turned over to the FPU Security Office for destruction. Any badges that have metal or plastic pins or paper stickers on the badge, shall be considered a mutilated badge and must be replaced.

9.25 **Employee Identification Badges - Lost or Stolen**

Lost or stolen employee's identification badges are to be reported to the employee’s supervisors in writing. A copy of the written notification will be forwarded to the FPU Security Office. There will be a two-week waiting period before a new badge is issued. During the two weeks, the employee must sign in for a temporary identification badge each day. After the two-week waiting period, the employee must complete a DLE 217 Form, Authorization of Re-Issuance and/or Deactivation of Building Identification and/or Key Card, and have it signed by their unit supervisor before a new badge is issued.
9.3 **Termination of Employment**

Upon termination of employment, the employee's identification badge shall be surrendered to the employee’s immediate supervisor. The supervisor shall immediately forward the surrendered identification badge to the FPU Security Office. Security Officer II’s will change the status of the surrendered badge to “terminated, retired, or transferred” in the FPU confidential database.

9.35 **Temporary Employee Identification Badge**

If a DOJ employee appears on the current employee roster and can identify himself/herself adequately (the employee can show a CDL or CDI; is known to the FPU officer as being a current DOJ employee or can be identified as being a current DOJ employee by a DOJ supervisor), a temporary identification badge will be issued.

Before issuing a temporary identification badge, the Security Officer will check the employee's identification, Department of Motor Vehicles (DMV) driver's license or identification card, (commercial I.D. cards are unacceptable) against the employee roster.

Employees, at the Broadway location, will be required to leave a valid ID with the Security Officer, prior to receiving a temporary identification badge. The type of identification badge issued, along with the identification number, will be noted on the One - Day Identification Badge Receipt (SCU 113).

If the employee's name does not appear on the employee roster or if the person cannot identify himself/herself satisfactorily, a supervisor or other authorized person will be summoned to make the identification. The supervisor verifying the employee’s employment status or identification, will be required to sign the escort required temporary badge receipt before the identification badge is issued and the employee is admitted to the facility.

The badge request forms (SCU 113) are maintained within the Broadway North security booth for one year and then are relocated to the loading dock security booth and placed in a file cabinet for two years. They are maintained for a total of three years and then destroyed.

9.4 **Visitor Identification Badge**

General access to the facility is limited to employees only. Family, friends and ex-employees without retirement credentials visiting the Broadway facility and I Street facility, are permitted access to the facility only under escort of a DOJ employee. A visitor must complete a One-Day Badge Receipt Form (SCU...
Visitors on official state business specifically identified as 1) peace officers; 2) employees of allied agencies; and 3) vendor personnel on the Vendor Access Roster, after having completed a One-Day Badge Receipt (SCU 113), will be issued a visitor identification badge and allowed access to the facility, without escort, to conduct official state business. Visitors will be required to leave a valid ID with the Security Officer, prior to receiving a temporary identification badge.

Visitors who are sixteen (16) years or younger, who are accompanied by an adult, will receive a visitor sticker, which is dated. These visitors are not required to leave valid identification with FPU nor are they required to return the sticker.

Visitor Identification Badge Issuance Procedures:

1. Phone the unit/employee to verify if the visitor will be entering the facility.

2. Request escort for non-peace officer personnel and advise them that they must be escorted at all times.

3. Complete, One-Day Badge Receipt, SCU 113 (see Section 9.35).
   a. Enter the date and time.
   b. Instruct the visitor to print all information, leaving the last two lines blank.
   c. Request valid identification or credentials. Valid identification should be one of the following:
      - California DMV Driver’s License
      - California DMV Identification Card
      - Employment Credential
      - Employment Identification Card
d. Enter type of identification and any serial number on the left-hand portion of the BOTTOM LINE.

e. Keep identification and issue identification badge.

f. Instruct visitor to return identification badge prior to their departure.

g. Enter time of departure and return visitors identification.

4. Issue identification badge.

5. Instruct visitor escorts to return identification badges to the FPU Security Booth prior to departing.

9.45 **Vendor Access Identification Badge**

The FPU Security Office maintains a current roster of vendor personnel who are authorized admittance to the facility and are issued a yellow identification badge.

9.5 **Vendor Identification Badge Procedures**

1. Verify employment by checking the name on the Vendor Access Roster.

2. If the name is not on the list, treat the vendor as a visitor (see Section 9.4).

3. If the name is on the list, complete a One-Day Identification Badge Receipt, SCU 113.

4. Issue identification badge.

9.6 **Training Identification Badges**

Members of allied law enforcement agencies attending classes at the California Criminalistics Institute (CCI) will be issued a yellow training identification badge. Identification badge numbers will be recorded next to name on the class training roster provided by the instructor. The identification badge will be retained by the student throughout the length of class and will be returned by the student at the conclusion of the course.
9.65 **Display of Identification Badges**

All DOJ employees, outside vendors, and visitors must display their appropriate identification badges or stickers before entering the facility. All persons already inside the facility must display their badges. Any person not displaying their badge must be reminded to do so. Any person not having a badge must be identified and an attempt made to determine if the person is authorized access. If the person is determined to be an intruder, the person will be detained and handcuffed if necessary until an investigation is completed. If assistance is needed, call for the on-duty supervisor, FPU Manager, or CHP. Unauthorized and unprocessed persons will not enter the facility.

9.7 **Unescorted Visitors**

For both the Broadway facility, unescorted visitors wearing a red identification badge will be detained by Security Officers until an employee escort is provided. If the employee escort is not readily available, the visitor will be escorted to the FPU Security Office. An incident report will be completed by FPU personnel.

9.75 **Restricted Employee Access**

In cases where an employee reports to work in physical, mental, or emotional state that would impair or jeopardize his/her well-being or that of others, FPU may restrict the employee from gaining access to the building. When access is not authorized to an employee, his/her immediate supervisors as well as the Manager of the FPU will be immediately notified by Security Officers. The Manager of the FPU and the employee's manager will assess the situation in making a decision whether or not to authorize the employee entrance to the facility.

9.8 **Seminars – Conference Committee Meetings**

FPU will be responsible for providing proper access and direction to individuals attending seminars or meetings at DOJ facilities. Bureau managers and supervisors shall provide at least one week notice to FPU when seminars or meetings, including non-DOJ personnel, are to be held at a DOJ facility. A class roster shall be forwarded to the Broadway facility/employee entrance security booth, so that Security Officers can issue the proper identification badges and provide direction to individuals attending seminar/committee meetings.
10.0 PARKING

10.1 Handicapped Parking

Only vehicles with handicapped permits or license plates issued by DMV may park in designated handicapped parking spaces.

10.2 Temporary Handicapped Parking

Vehicles with temporary handicapped parking permits, that have been issued by ODEU Headquarters, may park along the green curbs, car pool parking, or in the south visitor parking lot. Employees with temporary ODEU handicapped parking permits are not allowed to park in handicapped parking spaces.

10.3 Violations

Vehicles found to be in violation of parking regulations will be subject to citation and towing pursuant to Vehicle Code Section 21113.

10.4 30-Minute Restricted Time Parking Zone

The 30-Minute Restricted Time Parking Zone shall be enforced and subject to citation and towing pursuant to Vehicle Code Section 21113(a).
11.0 IDENTIFICATION FOLDERS/CREDENTIALS

The ODEU Research Support Unit, is responsible for the processing of all DOJ credentials. All requests for identification folders/credentials shall be referred to the ODEU Research Support Unit. See General Order 05-07, Employee Identification and Retirement Credentials Issuing Authority, for more information.
12.0 PERSONNEL POLICY AND PROCEDURES

12.1 Work Shifts

Due to the nature of the FPU, duty schedules will be subject to change upon short notice. Security Officers are expected to respond to calls for duty at all times except when on sick leave, vacation or regular day off.

12.2 Duty Hours

A normal duty shift for a Security Officer shall be eight (8) hours, including all breaks. The following are the duty hours:

- Day Shift 0600 - 1400
- Alternate Day Shift 1000 - 1800 (Broadway)
- Swing Shift 1400 - 2200
- Graveyard Shift 2200 - 0600

12.3 Days Off

The number of regularly scheduled days off will be assigned to the appropriate duty shift. Whenever a change of shift assignment necessitates work on a previous assigned day off, the employee will receive excess hours credited or debited as appropriate to maintain the required monthly hours, in accordance with the current collective bargaining agreement.

12.4 Absence

Due to the small number of Security Officers, it is imperative that any absence, actual or contemplated, be reported as soon as possible to the Security Officer II or his/her designee. This will permit alternative staffing patterns to be implemented. If a Security Officer II is not available at the time of call-in, the Security Officer on duty will take the message and advise the Security Officer II as soon as practical. Any requests for time off other than sick leave, will be made at least 24-hours in advance of the requested time off by completing the Request for Leave card (JUS 1438), which can be attained from the unit secretary.

12.5 Overtime

All Security Officers are assigned by the State Personnel Board to Work Week Group 2. Security Officers may be compensated for overtime work by cash. The rate of pay shall be time and one-half, the hourly equivalent to the officer's
monthly salary at the time that the overtime was accrued. In no event shall the rate of compensation exceed the hourly rate established by the State Personnel Board.

12.55 Overtime Reporting

The Overtime Reporting Form will be used to document the use of overtime by officers and supervisors. A supply of these forms are located at the 4949 Broadway north security booth and in the FPU office at 1300 I Street on the eleventh floor. Officers and supervisors are required to fill out a form each time they work overtime, and it should correspond to the overtime documented on the JUS 634s. Retired annuitants are not required to use this form since they do not utilize overtime.

Exceptions: If a person works their scheduled eight hour shift on a holiday, then it is not documented on the Overtime Reporting Form, though it is documented on the JUS 634.

12.6 Compensating Time Off

Security Officers may be compensated for overtime by Compensating Time Off (CTO). The rate of CTO accrual time is one and one-half for every hour earned. CTO will be taken at the discretion of the Special Agent in Charge. CTO will be maintained at a controlled maximum as set by DOJ Personnel in order to assure optimum FPU coverage as required.

CTO may be accumulated per the MOU between the State of California and the California Union of Safety Employees (CAUSE).

12.7 Call-Back Time

A Security Officer called back to work shall be credited with a minimum of four (4) hours of work time if:

1. Called back without having been notified prior to completion of the normal work shift; or

2. Notified prior to completion of the normal work shift, and the call-back work begins more than three (3) hours after the completion of the work shift; or

3. Called back to work on his/her authorized day off.
A Security Officer receiving an additional call-back or while still working on an earlier call-back shall receive call-back credit only for the hours remaining before the beginning of their next shift.

12.75 Relief Break

The Security Officer is entitled to two 15 minute breaks or three 10 minute breaks per eight (8) hour shift. All breaks will be coordinated by the Security Officer II or Lead Security Officer.

12.76 Lunches and Meals

Lunches and meals are not eaten in public view. You may eat your lunch or meal at the following locations:

- Loading dock security booth, north security booth back room, and FPU locker room.

12.8 Demeanor, Appearance, and Grooming

Security Officers represent the first contact of both employees and the public within DOJ. It is important that the Security Officers maintain a well-groomed appearance and exhibit a courteous demeanor at all times. Neatly trimmed mustaches and sideburns are permitted. Hair must not be below the collar.

12.9 Uniforms

Security Officers are furnished an annual clothing allowance for uniform replacement. The Security Officer is expected to report for duty in a clean, pressed uniform. Security Officers have the option of wearing the short-sleeved uniform shirt without a tie, or the long-sleeved uniform shirt with a tie, turtleneck or dicky. Wearing the uniform hat outside the facility while on patrol is optional. Hats will not be worn while on duty inside the facility. Maintenance and repair of the uniform is the responsibility of the individual officer. Wearing the uniform jacket is optional. Purchases of uniform apparel shall be in accordance with prescribed DOJ Security Officer uniform specifications (see Attachment A).

12.95 Training

Security Officers are encouraged to further their education for career development. Supervisory personnel will assist Security Officers in planning and achieving their development goals.
Security Officers will be assigned to appropriate training programs to improve and maintain their First Aid, CPR, and Defensive Driving certification. Other courses will be provided as they become available.

Unit Training Coordinators will be responsible for obtaining available training, providing written notification to Security Officers of Peace Officers Standards and Training (POST) scheduled training classes, and maintaining training files on each officer. The coordinator must provide the Special Agent in Charge with ample time to schedule training, (the 20th of the month prior to the month of training) to ensure proper shift coverage.
13.0 FIREARMS POLICY

13.1 Firearms Policy

This policy is in keeping with the Department of Justice firearms policy and is designed to provide guidelines to regulate the use of firearms by FPU personnel. There may be deviations from the policy’s guidelines where operational circumstances dictate. The test of what is reasonable and appropriate will depend on the circumstances and the judgment exercised under those conditions. Guidelines are not a substitute for the exercise of good judgment.

All Department of Justice firearms are defensive weapons to be used for the protection of life and only when the safety of innocent persons has been given prime consideration. It is the policy of the DLE to resort to the discharge of a firearm only when it appears to be reasonably necessary and after other less lethal alternatives have been considered. The following situations may necessitate the discharge of a firearm:

1. As a means of defense of self or of another from death or serious injury

2. To prevent a crime in which the FPU officer has a reasonable belief that human life is in jeopardy

3. To apprehend a suspect for a crime involving the use or threatened use of deadly force

4. At an approved range during marksmanship training

5. For necessary animal disposal (Refer to 13.3)

6. Firearms shall only be carried by FPU officers who have demonstrated continuing proficiency by achieving the established qualification at an approved DOJ quarterly firearms course

13.15 Shooting Policy

The DLE Shooting Policy shall be reviewed with all FPU officers at the Range, prior to qualifications.
13.2 **Surrender of Weapon to Criminal Suspects**

FPU officers will not surrender their weapon(s) to suspects.

13.25 **Display of Weapons**

An FPU officer in the performance of his/her duty, shall not draw his/her weapon unless it is intended to be used in conformance with FPU Manual Section 13.1 through 13.15, for cleaning, inspection, training, or as may be reasonably necessary to gain and maintain control during the apprehension and arrest of suspects.

13.3 **Disposal of Animals**

A firearm may not be used to dispose of an animal, which has been seriously injured or poses a threat to the safety of humans.

13.35 **Ammunition**

Only ammunition supplied by the Department of Justice shall be used for on-duty use.

13.4 **Firearms Certification**

An FPU officer shall not be authorized to carry a firearm on duty until certification by a FPU or DLE Range Master that the firearm is of suitable type and caliber, has been test-fired and determined to be in satisfactory condition, and the FPU officer has achieved a qualifying range score with the firearm.

13.45 **Duty Weapon**

The Glock 19 (9mm), 22 and 23 (40 caliber) are the official duty weapons and will be used in quarterly qualifications by Security Officers unless a personally owned handgun has been approved for duty use by the FPU Range Master and the Security Officer II.

13.46 **Purchase and Registration of Firearms**

FPU officers purchasing firearms to be used in the official capacity of their employment shall comply with the provisions of Penal Code Section 12078.

No later than 30 days after acquiring a firearm to carry on duty, the FPU officer shall notify his/her FPU manager in writing of the make, caliber, barrel
length, serial number, and date of acquisition. The FPU manager shall forward the information to the ODEU Assistant Chief. This report shall include a certification by the FPU Range Master that the weapon is of suitable type and caliber, has been test-fired to determine that it is in satisfactory condition, and that the officer has qualified with the weapon at an approved forearms qualification course.

13.47 **Personally Owned Firearms (Handguns)**

After written approval by the FPU manager, an officer may carry a personally owned firearm in lieu of a Department-issued firearm. Additional information is located in General Order 99-15, On-Duty Weapons.

The following steps are required to obtain approval to carry a personally owned firearm on duty:

1. The FPU officer must submit a Request for Authorization to Carry a Personal Firearm, BNE-056 (rev. 5/97), to the FPU Range Master

2. The FPU Range Master must certify that the firearm meets the requirements of Section 13.46. The FPU Range Master will then submit the request to the FPU manager.

3. The FPU manager, upon receipt of the request bearing the FPU Range Master’s certification, may then authorize the agent to carry the personal weapon while on duty.

After approval by the FPU manager, the request will be placed in the FPU officer’s personnel file, and a copy will be placed in the employee’s training file.

FPU personnel are not authorized to carry/use personally owned selective fire weapons.

13.5 **Warning Shots**

Warning shots shall not be fired as a means to stop a fleeing suspect or for any other purpose.
13.51 Moving Vehicles

Firearms shall not be fired at, or from, moving vehicles except as a means of defense of self or another from death or serious injury, or to prevent a crime in which human life is in serious jeopardy.

13.55 Modifications and Repairs to Firearms

No one shall modify, make additions to or otherwise change an authorized firearm from factory specifications without written permission from the DLE Firearms Officer. The exception to this will be stocks (grips) or sights. Only a designated armorer shall repair or work on an authorized firearm. A designated armorer is a person who has successfully completed an armorer’s school on the weapon system in question.

13.6 Firearms Training

Department of Justice firearms training courses will be conducted for all FPU officers and should include, but not limited to, instruction in basic firearms safety, proper marksmanship and gun handling, transitional training, stress handling, decision-making, use of cover, field of fire situations, multiple suspect confrontations, different threat levels, speed of target, dim light conditions, and impact of adverse weather conditions. Details of the approved firearms training courses are included in the Department of Justice Range Master Handbook.

Each FPU office, through the appointed FPU Range Master, shall be responsible for ensuring that all officers attend the training sessions with their duty weapon (s) on a quarterly basis. One quarterly qualification per year will include low light conditions. The result of the training sessions will be documented by the FPU Range Master and retained in the FPU files. The documentation shall identify each weapon as to make, caliber, type, and serial number and shall be retained in the FPU Range Qualification file.

If an officer misses a training day due to unavoidable circumstances, it is not the intent of this policy to deny the officer access to his/her weapon (s) or restrict him/her from field operations. It is the responsibility of the FPU manager, however, to ensure that the training session is either repeated in the DLE Headquarters office or attended at the nearest FPU range as soon as possible.
13.61 Firearms Qualification

All FPU officers shall be required to demonstrate their firearms proficiency by qualifying each quarter. Officers shall not be permitted to carry firearms until they have demonstrated their proficiency on an approved Department of Justice firearms qualification course. FPU officers who fail to qualify shall undergo additional training until they do qualify. Additionally, FPU personnel who pass their firearms qualification with a margin of five or less points should be given remedial training. At the conclusion of the quarterly firearms qualification, the FPU Range Master shall prepare a list for the FPU manager of all officers who fall into this category. The FPU manager will forward this information to the ODEU Assistant Chief, with a copy to the DLE Firearms Officer.

Remediation training is the duty of the FPU Range Master, unless specific problems exist that require assistance from the DLE Firearms Officer.

All FPU officers must qualify each quarter. If an FPU officer fails to qualify in any quarter due to lack of ability or not appearing at a range qualification sometime during the quarter, the FPU manager must be notified by memorandum, with a copy to the DLE Firearms Officer. This memorandum shall include the reason why the FPU officer failed to qualify. If the FPU officer does not qualify before the end of the calendar quarter, he/she may not carry his/her weapon or engage in field enforcement operations and may be subject to adverse action.

13.62 Range Master – FPU Office

The FPU office shall appoint a Range Master. The FPU Range Master shall be responsible to the FPU manager for all matters pertaining to the training and use of firearms. To carry out these responsibilities, the Range Master shall:

1. Be a graduate of a POST/DOJ-approved Range Master course

2. Inspect all firearms and ammunition quarterly to determine readiness and suitability

3. Inspect holsters to determine that the holster being used permits the firearms to be drawn easily and yet properly secures the firearm
4. Report the results of the inspections required in items two and three to the FPU manager by memo and recommend corrective action

5. Instruct in safety precautions to be observed in handling firearms

6. Supervise the conduct of the quarterly qualification and training in accordance with the provisions of the DOJ Range Master Handbook

7. Verify that all required training for DLE range masters

8. Order range equipment and ammunition and maintain an adequate inventory

9. Attend all required training for DLE range masters

10. Maintain complete and accurate records relating to the above duties

13.65 Discharge of a Firearm

When an FPU officer discharges a firearm while engaged in the performance of hi/her official duties in other than approved training/qualification activities, he/she shall immediately report the incident to his/her supervisor. The supervisor will then immediately notify the FPU manager. In the event that the FPU officer is unable to comply with this reporting requirement, the responsibility to report shall rest with all FPU officers or the FPU manager shall immediately notify the ODEU Assistant Chief, through the chain of command, of the discharge of the firearm.

In cases involving a shooting where death or injury occurs to any person, a telephone report shall immediately be made through the chain of command to the Director of the Division of Law Enforcement. A detailing of procedures is contained in the Special Agent Incident Manual. (Also, refer to the General Order 01-12, Critical Incidents).

13.66 Critical Incident Review Board

Except in circumstances of suspicion of wrongdoing on the part of the involved FPU officer, whenever a Department of Justice officer discharges his/her weapon, the incident will be reviewed by the Critical Incident Review
Board (aka Shooting Review Board). The Board shall be appointed by the DLE Director. The purpose of this Board shall be to determine the pertinent facts and circumstances relating to the shooting incident. The Board may also be called to review the use of other weapons.

The Board shall consist of the chairperson and four additional members. One member shall be appointed by the chairperson from the uninvolved bureau. One member of the Board may be at the peer level of the FPU officer who is the subject of the inquiry. This member shall be selected by the FPU officer and shall be from an office that was not involved in the incident or investigation. Two members of the Board shall be DOJ peace officers at the level of Assistant Chief or above.

The DLE Firearms Officer shall be present to serve as a consultant to the Board.

The Chairperson shall select the hearing location and may request the appearance of witnesses. These witnesses should include technical advisors such as range masters or training officers. If the FPU officer who discharged a weapon is called as a witness, such appearance shall comply fully with the provisions of Section 3303 et seq. of the Government Code. The chairperson shall provide copies of all reports and recommendations relevant to the incident to each Board member prior to convening the Board.

Following its deliberations, the Board chairperson shall prepare a report detailing the facts and circumstances of the incident and the Board’s opinion as to whether the discharge conformed to law and Departmental policy. The report shall also include the Board’s comments and recommendations, excluding disciplinary action, as they relate to training, procedure, equipment, and policy. This report will be made available to requesters as a training aid.

The Board will not be convened or, if in progress, will be adjourned upon any suspicion of wrongdoing on the part of the involved FPU officer.

13.7 Carrying Concealed Weapons Off-Duty

In accordance with California statute, case law, and the opinions of the Attorney General, DOJ will not prohibit its Security Officers from carrying personal weapons while off duty. However, each Security Officer will need to apply for and obtain their CCW permit through their local sheriff’s department.
13.71 **Carrying Firearms**

Except when it is impractical to do so, Security Officers shall carry a firearm at all times while on duty (see exceptions relating to non-firesarms training classes). Firearms shall be carried in a holster.

The firearm should be inspected frequently and at the start of each shift, assure that it is loaded and in good working order.

Sufficient extra ammunition for two full reload should be carried on the person with the firearm, while on duty.

Ammunition should be periodically inspected and cleaned. Heavily corroded ammunition with dented or burred cases should be replaced.

13.72 **Tear Gas**

No Security Officer shall possess or use any chemical weapon such as tear gas except in compliance with Penal Code Section 12430 requirements and in conformance with their POST course of instruction.

13.73 **Batons**

Security Officers shall carry ASP batons while on duty. Batons are considered a dangerous weapon. They shall be carried in a proper baton case at all times while on duty, and in uniform.

13.74 **Handcuffs**

When on duty, Security Officers shall be equipped with handcuffs in good working condition. These handcuffs shall be carried on the Security Officer’s person in a proper handcuff case.

13.75 **Transportation and Care of Equipment**

Security Officers shall be responsible for the safe keeping and care of their weapons. At no time will they be carried or transported as concealed weapons.

Security Officers will not have any weapon in their possession when utilizing public transportation.
Transporting weapons is limited to travel from the Security Officer’s place of residence to a DOJ facility, (4949 Broadway, 1300 I Street, 1102 Q Street, or The Advanced Training Center) or a designated firing range.

Security Officers shall not conduct personal business in public while in uniform with weapons on their person.

All equipment issued by the Department including badges, handcuffs, and weapons will be worn or carried only when on duty and never when in civilian attire with the exceptions of when traveling to and from a firing range for practice or qualification. Uniform shirt shall be covered while going to or from work.

13.8 Off-Duty Discharge of Firearm

A Security Officer who, while off duty, fires his/her personally owned weapon or state issued weapon, causing property damages or personal injury or has an accidental discharge of the weapon, shall immediately report the incident to his/her supervisor. In the event of his/her inability to comply with the above, the responsibility to report shall rest with any Security Officer who is aware of the incident.

The supervisor shall report to his/her chain of command who will conduct an immediate investigation. A complete report with analysis of the incident and recommendation for needed action in memo form will be submitted within three working days to next level of supervision. This report shall include interview statements from all officers involved in the incident and/or their written report when practical.

The report shall be submitted even if no injuries or property damage was suffered as a result of the discharge. The report shall then be forwarded to the Critical Incident Review Board as appointed by the DLE Director.

In cases involving death or injury to any person, an immediate telephone report shall be made through the chain of command to the appropriate DLE Director.

Whenever possible, the supervisor shall provide on site coordination between DOJ personnel and local authorities. The FPU manager shall request agents and/or investigators from an office not involved in the incident to conduct the investigation. When circumstances warrant, the FPU manager with the approval of the Division Director shall remove the involved Security Officer from duty until the investigation is completed.
13.85 **Firearms Safety Precautions**

Security Officers are required to handle their weapons at all times in a manner as to preclude the possibility of accidentally injuring themselves or another person. Strict adherence to the basic safety precautions described herein will minimize chances of an accidental discharge.

1. Treat all weapons as though they are loaded.

2. Never point your weapon, whether loaded or unloaded, at anything you do not want to shoot.

3. Never try to clean or work on a loaded weapon. Check the weapon to make sure it is unloaded.

4. Never attempt to spin or juggle a loaded weapon.

5. Never put your finger in the trigger guard when holstering a gun. In drawing the weapon, do not put your finger in the trigger guard until the gun is clear of the holster and pointing at your target.

6. The holster should be designed and constructed for the exact weapon being carried in it.

7. As a general rule, do not remove a weapon from its holster except when it is to be fired, cleaned, or inspected.

8. Never leave a loaded or unloaded gun unattended unless it is under lock and key.

9. Personnel having repair or modification work done on their duty weapon shall have the work done by a competent, licensed, professional gunsmith. “Home gun smithing” is prohibited.

13.9 **Firearm Security – Handguns**

All Security Officers are required to utilize a Firearms Safety Device (FSD) when storing their duty handguns within the premises of their residence. The FSD should be located in a secure location within the residence and not be readily accessible to family members, roommates, etc. The FSD will be maintained in a locked condition anytime it contains a weapon. Additional information is located in General Order 07-03, Firearms Safety Devices.
13.91 **Range Qualification Policy**

See attachment B.
14.0 EMPLOYEE CONDUCT

14.1 Division Branch Awards Policy Statement

1. It shall be the policy of the Branch to foster and maintain an Awards Program for its employees to officially recognize acts of meritorious service or accomplishment of outstanding achievement.

2. The Branch shall officially recognize exceptional performance by any of its sections or units that enhance Branch efficiency, effectiveness, and/or image.

3. The Branch shall officially recognize private citizens or peace officers from other local, state, or federal law enforcement agencies who perform meritorious acts of aid or service to citizens or to the Branch under circumstances which are within the scope of Branch responsibility.

4. In order to attain the maximum benefit of the Awards Program, it is essential that all levels of command and supervision within the Branch understand its importance and application. The promptness and accuracy of initiating nominations for significant performance and the timeliness of the award presentation are the three essential elements in the awards process.

5. It is not the intent of this policy to supersede state-level administered awards programs authorized in the Government Code, the Attorney General’s Awards Program delineated in BJIS Bulletin No. 91-06, or the Division of Law Enforcement (DLE) Director’s policy memorandum which delineates the process of recognizing acts of valor or meritorious service for DLE Special Agents. The Branch Awards Program is intended to meet the special needs of the Branch and to supplement and enhance the state and Attorney General’s Awards Program.

14.11 Bureau/Branch-Level Awards

Branch-level awards, as defined by this manual, are for commendable performances or service by a private citizen, peace officer from an outside agency, and all employees of DLE.

14.12 Bureau/Branch-Level Certificates of Commendation
1. **Certificate of Commendation** – The Certificate of Commendation may be awarded to Branch personnel, both sworn and non-sworn, at all levels (excluding Chief, Deputy Chief, and Assistant Chief), outside law enforcement personnel, or private citizens. Recipients of this award must perform act or make a contribution to California law enforcement based on any one of the following criterion. Nominations for this award will be submitted and approved in accordance with Section 14.13 of this manual.

   a. **Criteria**

      1. To recognize outstanding contributions to the prevention and/or suppression of crime

      2. To recognize the retirement of sworn or non-sworn personnel from law enforcement service, providing the recipient retires from a recognized law enforcement agency in good and honorable standing

2. **Unit Citation** – The Unit Citation will be awarded to a Branch unit that makes an outstanding contribution to the overall efforts of the Branch and mission. Nominations for this award will be submitted and approved in accordance with Section 14.13 of this manual.

3. **Letters of Commendation from the Branch Chief – Branch Employees**

   – Formal letters of commendation from the Branch Chief may be issued to employees of the Branch in those cases where the work performed by the employee has been of outstanding quality.

   Branch Managers who feel that an employee or employees under their command have performed a task in such an outstanding manner that they should be the recipient of a special commendation shall prepare a memorandum to the ODEU Assistant Chief setting forth the circumstances of the task performed and recommending that a letter of commendation be issued. The ODEU Assistant Chief, upon receipt of such a request, will, at his/her discretion, issue a letter of commendation to the employee or employees concerned, with a copy of the letter being retained at ODEU Personnel for inclusion in the employee’s personnel file. The ODEU Assistant Chief may also, at his/her discretion, initiate and issue a letter of commendation to an employee who, in his/her opinion, has performed outstanding work.
4. **Letters of Commendation from Other Agencies of Departments** –
Copies of letters of commendation from other agencies or departments for Branch employees will be included in the employees’ personnel file at the ODEU Personnel Office, and a copy will be given to the employees. The responsible FPU manager will acknowledge receipt of the letter to the appropriate agency or department by letter.

14.13 **Bureau-Level Awards Nomination Procedure**

The FPU manager shall submit in written form to the ODEU Assistant Chief the nomination for Branch-level commendation as described in Section 14.12 of this manual. The FPU manager shall include enough information to allow the ODEU Assistant Chief to make an informed decision. The award will then be prepared by the ODEU Assistant Chief. The ODEU Assistant Chief will then sign the award, and the ODEU Assistant Chief or his/her designee will present the award to the nominee on the appropriate occasion. As the particular case dictates, the award may be signed by the ODEU Chief, Assistant Chief, FPU Manager, or any combination of the above.

14.14 **Award Documentation – Performance Evaluations**

It will be the responsibility of the supervisor of any employee who is the recipient of any award mentioned in this policy to document the receipt of the award in the employee’s next yearly performance evaluation.

14.15 **Compliance with Laws, Regulations, Rules, Lawful Orders, and the Manual**

All employees are required to obey all rules, regulations, and procedures as set forth in this manual or any other official document as it pertains to the Branch and their specific or related duties.

An employee shall obey and properly execute any lawful order issued by a supervisor. The supervisor or anyone acting in such capacity shall be held responsible for all orders and instruction issued to those under their supervision and for any consequences arising from non-compliance with such orders and instructions. No supervisor shall issue an order which is contrary to or tends to nullify any established Branch, Division, or Department procedure or law except when necessary in cases of emergency. The supervisor must be prepared to justify the issuance of such emergency orders.
14.16 **Incompatibility Statement of the Department of Justice**

Under the provisions of Government Code Section 19990, the prohibited activities enumerated below are inconsistent, incompatible, or in conflict with the duties of officers and employees of the Department of Justice.

1. Using the prestige or influence of an office or employment in the Department of Justice for the officer’s or employee’s private gain or advantage, or the private gain or advantage of another.

2. Using time, facilities, equipment or supplies of the Department of Justice for the officer’s or employee’s private gain or advantage, or the private gain or advantage of another.

3. Using confidential information acquired by virtue of employment by the Department of Justice for the officer’s or employee’s private gain or advantage, or the private gain or advantage of another.

4. Receiving or accepting money or any other consideration from anyone other than the State for the performance of an act which the officer or employee would be required or expected to render in the regular course of hours of his/her State employment or as a part of his/her duties as an officer or employee of the Department of Justice.

5. Performing, without the approval as provided for in procedures to be adopted by the Department, an act or activity in a capacity other than that of an officer or employee or the Department of Justice when the act or activity performed is subject to direct control, inspection, investigation, review (including the preparation and rendering of opinions and other legal advice), audit or enforcement by the officer or employee or its normally subject to control, inspection, investigation, review, audit or enforcement by the section or organizational unit of the Department of Justice to which the officer or employee is assigned.

6. Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the state, under circumstances from which is reasonably could be inferred that the gift(s) was intended to influence him or her in his/her official duties or was intended as a reward for any official action on the employee’s part.
7. Engaging in any activity or employment in addition to employment of the Department of Justice which will so interfere with his/her health or efficiency as to prevent the officer or employee from performing the duties of his or her job as an employee of the Department of Justice in an efficient and capable manner.

8. Divulging confidential information, data or records of the Department of Justice to any person to whom issuance of such data, information or records has not been authorized, or divulging or making use of any records of the Department of Justice for a mailing list or any other purpose unless this has been authorized.

9. No lawyer employed by the Department of Justice shall engage in the private practice of the law, provided, however, that he/she may handle personal and family legal matters on which there is no conflict with his/her duties as an employee of the state, after first obtaining approval of the Attorney General. Lawyers, upon becoming members of the Department of Justice, with the approval of the Attorney General, will be given a reasonable time within which to close pending legal matters.

10. No investigator employed by the Department of Justice shall engage in or conduct any private investigation for any person for any purpose either with or without compensation.

11. No technician or expert, including but not limited to handwriting experts, laboratory technicians, modus operandi technicians, and fingerprint technicians, employed by the Department of Justice shall accept private employment involving his or her respective skills without first obtaining the approval of the Attorney General.

14.17 Incompatibility Activity Procedures

The following procedures have been developed to assist employees in complying with Item five of Manual Section 14.16:

1. When an employee learns that a matter assigned to him/her relates to any act or activity undertaken in the employee’s private capacity, the employee shall immediately discontinue any involvement in such matter and shall notify his/her supervisor in writing of the potential incompatibility.

2. The supervisor shall instruct the employee in writing as to the future conduct of the employee in that matter and shall send a copy of such
instructions, via the chain of command, to the ODEU Assistant Chief. If the employee disagrees with the decision of his/her supervisor, he/she may request review of the decision by the ODEU Chief.

3. Employees may seek prior determination as to whether an activity undertaken in his/her private capacity is or is not incompatible with the employee’s state duties, or is so remote that the employee should not be barred from participating in that outside activity. All such requests for determination shall be in writing, and shall describe in detail the nature of the private activity including the employee’s position or responsibility in connection with such activity. The request should be directed to the employee’s FPU manager, via the chain of command. If the FPU manager cannot make a determination, the matter shall be forwarded to the Bureau Chief, who will make a written ruling.

14.2 Outside Employment

The Branch’s policy on outside employment is as follows:

1. All outside employment will be with the pre-approval of the ODEU Assistant Chief. The duties of an employee with the Department of Justice will take precedence over the secondary employment. Requests for outside employment shall be in writing. The requests will be reviewed by the FPU manager and forwarded to the ODEU Assistant Chief with the written recommendations of the FPU manager for approval or disapproval.

2. An employee who wishes to teach outside a Department-sponsored training course or Department-approved training course must submit a request in writing to his/her Manager outlining the institution, the course title, the date and hours. The Manager will review the request and forward the request to the ODEU Assistant Chief with the written recommendations of the Manager for approval or disapproval, based on any conflicts with an employee’s responsibilities to the Department of Justice. On-duty employees will not participate in any field training in courses not approved by the Department of Justice.

3. Employees who accept outside employment as an instructor will do so on their own time. The employee is not to utilize his/her state vehicle for transportation, any material prepared and produced by the Department of Justice, or utilize any of the state facilities or equipment for outside employment.
14.21 Political Activity

The Branch will adhere to the following Department of Justice policy on political activity:
State employees are prohibited from participating in campaign-related activities on state-compensated time, prohibited from using state property in connection with campaign-related activities, and may not use their official status as employees of the Department of Justice to confer prestige on or influence campaign-related activities.

“Campaign-related activities” refers to participation in support of or in opposition to the election of any candidate, the confirmation through election of any Justice of the Supreme Court or Courts of Appeal, or the adoption of any ballot measure.

These prohibitions do not preclude an employee from supporting any political candidate, expressing any political view, or otherwise exercising constitutional rights to participate in any election. These prohibitions are targeted solely to the use of public funds and resources for the support of such activities. Violations of these prohibitions may be punishable by civil and criminal penalties.

Each prohibition is further outlined for clarification:

14.22 State Compensation Time

Employees may not attend to campaign-related phone calls, letters or meetings on state-compensated time. Requests by employees to switch to alternative work schedules, or to take vacation in order to accommodate campaign-related activities or attend campaign functions will be judged in the same manner and on the same basis as any other request of this nature, i.e., existing needs of the Department and discretion of the FPU Manager.

14.23 State Property

The use of office space, office supplies and equipment, including telephones, copying machines, typewriters, word processors, computers, dictating equipment and other items of this nature, for campaign-related activities is prohibited. Meeting in state office space, even if after hours, is prohibited.

The solicitation of campaign funds on state property or the receipt or delivery of campaign contributions on state property is prohibited as is the use of office time or state resources, i.e., inter-office mail, to solicit campaign contributions.
14.24 Prestige and Influence of Office

On occasion, campaigns may be affected by what could be characterized as “official” support or opposition. Employees shall not authorize any person to use their affiliation with the Department of Justice or the Branch in an attempt to suggest that the employees’ support or opposition is of an “official”, as distinguished from private, endorsement.

14.25 Grounds for Disciplinary Action

The following are grounds for disciplinary action enumerated in Government Code Section 19572:

Fraud in securing appointment

1. Incompetency

2. Inefficiency

3. Inexcusable neglect of duty

4. Insubordination

5. Dishonesty

6. Drunkenness on duty

7. Intemperance

8. Addiction to the use of controlled substances

9. Inexcusable absence without leave

10. Conviction of a felony or conviction of a misdemeanor involving a moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section

11. Immorality

12. Discourteous treatment of the public or other employees
13. Improper political activity as outlined in Government Code Sections 3204 through 3209
14. Willful disobedience
15. Misuse of state property
16. Violation of this part or board rule
17. Violation of the prohibition set forth in accordance with Government Code Section 19990
18. Refusal to take and subscribe to any oath or affirmation, which is required by law in connection with the employment
19. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the appointing authority or the person’s employment
20. Any negligence, recklessness or intentional act which results in the death of a patient or a state hospital serving the mentally disabled or the developmentally disabled
21. The use of any material during duty hours for training or target practice which is not authorized therefore by the appointing power
22. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex or age, against the public or other employees while acting in the capacity of a state employee
23. Unlawful retaliation against any other state officer or employee or member of the public who in good faith reports, disclose, divulge or otherwise brings to the attention of the Attorney General or any other appropriate authority any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly thereto
14.26 **Advisement**

Any employee aware of any of the violations enumerated in Section 14.22 shall immediately advise the ODEU Assistant Chief through the appropriate chain of command.

14.27 **Falsification**

No employee shall knowingly or willingly make deliberate misrepresentations, falsifications or omissions of material facts in the official records required of him/her by the Branch or any other criminal justice agency. Nor shall an employee make a false statement to his/her superiors when questioned, interviewed or in submitting a report, or withhold information obtained in the course of his/her duties. No employee shall fabricate, withhold or destroy evidence of any kind except as otherwise provided by law.

14.28 **Gratuities/Rewards**

No employee shall solicit or accept any rewards, gratuities or compensation of any nature for services performed in the line of duty. Any employee accepting such a reward, gratuity or compensation shall immediately prepare a written report of the incident, which shall be submitted through the employee’s chain of command to the Branch Chief.

Employees are not prohibited from receiving honorary and cash awards through the State Merit Award Program.

At no time shall it be acceptable for any employee, except in the line of duty, to either buy, trade, or accept any article of personal property from any known convicted felon, suspect, informant, prisoner or associate of a suspect or prisoner.

14.29 **Improper Use of Badges and Credentials**

No employee shall use his/her Department of Justice badge, credential or non-peace officer identification folder except as necessary in the performance of his or her official duties.

14.3 **Arrest of Employees**

If an employee is arrested for a misdemeanor or felony violation, he/she shall immediately report the incident through his/her chain of command to the ODEU Assistant Chief.
14.31 Use or Simulated Use of Controlled Substances

No employee of the Branch shall use any controlled substances except as prescribed by and under the direction of a licensed physician. No employee will simulate using or ingesting drugs. If, by force or serious threat during a criminal investigation, an employee must use or simulate using a drug, he/she should immediately report same to his/her immediate supervisor. The use will be documented in the investigation report, and a memo detailing the circumstances will be completed by the employee through the chain of command to the ODEU Assistant Chief. The employee should immediately be taken for medical examination or treatment if necessary. Routine pursuit of an investigation is never justification for using or simulating the use of a controlled substance.

14.32 Engaging in Medical Projects

No employee will engage in any type of scientific or medical experiment in connection with controlled substances except by authorization of the Branch Chief.

14.33 Use of Alcohol

Following the Division of Law Enforcement policy regarding use of alcohol:

Department of Personnel Administration Rule 599.960 (b)(2) provides that an on-duty state employee shall not use or be under the influence of alcohol to any extent that would impede the employee’s ability to perform his or her duties safely and effectively. To implement and further define this and additional restrictions in the Division of Law Enforcement, the following policy has been implemented:

DLE peace officers are prohibited from reporting to work with any detectable amount of alcohol within their system. No alcoholic beverage will be consumed during duty hours, work breaks or after duty hours prior to driving a state vehicle.

DLE peace officers shall not drive a state vehicle with any alcohol in their system.
14.34 Types of Disciplinary Actions

Informal

Informal action is used for the supervisor/manager and the employee to plan the change(s) that must take place in the employee’s conduct or performance within a specified time frame. The employee is not entitled to representation unless formal adverse action is contemplated.

There are two main types of informal actions:

1. Corrective interview
2. Corrective memorandum

All corrective memoranda shall be routed to ODEU Personnel for inclusion in personnel files. SACs/Managers are responsible for notifying ODEU Personnel when it is appropriate to remove a corrective from a personnel file.

Only in significant cases where corrective memoranda are the result of an incident or internal affairs investigation (where the ODEU Assistant Chief has determined that a corrective memorandum is appropriate) shall the memo require review by the ODEU Assistant Chief.

The following language shall be incorporated into all corrective memoranda:

“Your conduct documented in this incident is unacceptable and will not be tolerated by the Department. If you engage in similar conduct in the future, the Department will take adverse action against you based on the incident(s) cited in this memorandum as well as future incident(s).”

“A copy of this memorandum will be placed in your personnel file. After [one (1) year to three (3) years – management determines the length of time] you can request from appropriate management that this document be removed from your personnel file, at which time your request will be considered. This incident will be noted in your next performance evaluation.”

Formal

When informal steps have not corrected an employee’s conduct or performance, or a serious infraction of law, rules or standards has taken place, adverse action should be taken. An adverse action is considered formal disciplinary action as it will be recorded in the employee’s official personnel records.
Before a Branch program initiates formal disciplinary action, approval of the ODEU Assistant Chief must be obtained.

There are five types of formal actions:

- Formal letter of reprimand
- Suspension without pay
- Reduction of pay within the class
- Demotion to a lower class
- Dismissal from state service

Additionally, a supervisor may also deny:

1. Merit Salary Adjustments
2. Special In-Grade Salary Adjustments

14.35 Procedures for Disciplinary Action

Disciplinary actions in the Branch will be conducted in conformance with State Personnel Board rules, guidelines established by the Administrative Services Division, regulations set forth in the Division of Law Enforcement Manual, and procedures established by the Branch. See DOJ Administrative Manual Section 06640-06644 for details and procedures regarding the disciplinary process.

14.36 Fraternization with Criminal Suspects

No employee shall knowingly fraternize with criminal suspects.

Criminal suspects are individuals who:

1. Are suspected of being or having been involved in the actual or attempted planning, organizing, financing or commission of criminal acts; or
2. Are suspected of being or having been involved in criminal activities with known or suspected crime figures

14.4 Office Equipment

Branch office equipment shall be used only in the course of official business. Employees may not use office equipment to conduct personal business.
14.41 Smoking Policy

In compliance with Department policy to provide a smoke-free work environment in all of its facilities, smoking is prohibited at all times throughout all space, including enclosed private offices and meeting rooms, in state-owned or -leased facilities. Smoking is prohibited at all official Branch meetings except in designated smoking areas. Smoking is also prohibited in state-owned vehicles.

14.42 Television or Radio Program Appearances

Any appearance by a Branch employee on television or radio programs during which the policies of the Branch or the Department of Justice will be discussed, or any appearance on a program in which the employee represents the Branch or Department of Justice, must be approved in advance by the ODEU Assistant Chief and reported immediately thereafter via a written report.

14.43 Public Speaking

Employees shall obtain the approval of the ODEU Assistant Chief before publicly speaking on matters concerning Department policy, sensitive investigations, personnel policies, or pending internal affairs matters of the Bureau/Branch or Department.

14.44 Recreational Activities on State Time

Branch Managers, and supervisors, will not allow employees to engage in recreational physical activity on duty.

14.45 Purchase of Seized Assets

Employees are precluded from bidding, or from using another person to bid on their behalf, on property seized from cases in which the Department participated.

14.46 Pagers

All employees to whom pagers have been issued are required to have their pager on their person and activated during work hours. Supervisors may also require employees to keep their pagers activated during off duty hours if there is reason to believe the employee may be contacted to ascertain availability for
return to duty. Requiring an employee to keep his/her pager activated does not, in itself, constitute stand-by duty.

14.47 **Current Governmental Drivers License**

All officers shall have a valid Governmental Drivers License. If the drivers license expires or is no longer valid for any reason, the officer will immediately notify the supervisor of this information. Notification shall be in writing with a copy to the manager. No officer shall drive a state vehicle without a valid drivers license.

14.48 **Surreptitious Eavesdropping and Recording of Co-Employees**

Pursuant to Penal Code Section 632, all parties to a confidential communication must provide permission before the communication can be taped or be made the subject of electrical amplification for the purposes of eavesdropping. Violation of Section 632 can result in the imposition of penalties against any individual who surreptitiously eavesdrops upon or tapes a conversation without the permission of all parties. Section 633 recognizes that a peace officer, acting within the scope of his or her authority, may surreptitiously eavesdrop and/or record conversations.

To ensure that conversations between co-employees are not recorded or amplified for eavesdropping purposes, in violation of Penal Code Section 632, and at the same time allow for taping within a peace officer’s scope of authority, any employee of the Department who is of the opinion that such eavesdropping and/or taping of a co-employee, below the rank of ODEU Assistant Chief, would be appropriate in the furtherance of an investigation within his or her authority as a peace officer, must obtain the prior written consent of the ODEU Assistant Chief. In the event that the ODEU Assistant Chief is the person that the employee wishes to surreptitiously record or eavesdrop upon, the employee must first obtain the prior written consent of the Director of the Division of Law Enforcement (DLE). Requests to conduct surreptitious recording or eavesdropping of co-employees at the peer level or below shall be made through the requesting employee’s chain of command to the ODEU Assistant Chief or Director of DLE.

14.49 **Employee Fund-Raising Activities**

DLE employees are allowed to engage in specific fund-raising efforts for the benefit of either non-profit, charitable organizations, or DOJ employee unit activities (e.g. holiday parties, employee severe illness, or memorial fund). Fund-raiser activities of this type must have the approval of the ODEU
Assistant Chief. The process for obtaining approval is to complete the Request For DOJ Fund-Raising Approval Form (JUS 8718) and submit the form via the chain of command to the appropriate ODEU Assistant Chief within the employee’s Division for approval a minimum of one week prior to the event. A copy of the form, approved or disapproved, will be returned to the requesting employee. The Branch shall maintain a copy of this form for one year from the date of the event. The individual unit managers are responsible for ensuring that fund-raising activities occur within their respective units and/or offices and that they are in accordance with this section.

Raffles/lotteries are unlawful and thus not permitted as outlined in the California Penal Code Section 319.

14.5 Citizen Complaints Against Peace Officers

The Branch has developed the following procedure for assisting citizens who wish to voice their grievances against its operation, policies or the conduct of its peace officer personnel. Additional information concerning citizen complaints is addressed in the DLE Personnel Complaint Manual.

14.51 Acceptance of Complaints

1. Every citizen has the right to lodge a complaint against any peace officer.

2. Any citizen desiring to initiate a complaint should be encouraged, but not required, to fill out and sign a “Citizen’s Complaint Form”. Complaints will be accepted by telephone or by letter. In these cases, the employee receiving the complaint shall complete, to the best of his/her ability, the Citizen’s Complaint Form. Every attempt should be made to obtain the specific information requested on the Citizen’s Complaint Form while anonymous complaints will also be accepted, any investigation of anonymous complaints must be approved by the Director, Division of Law Enforcement (DLE).

3. All complaints will be taken in a courteous, interested, and impartial manner by all Department of Justice offices.

4. A copy of the completed Citizen’s Complaint Form shall be provided to the complainant for his/her records.

5. Supplies of the Citizen’s Complaint Form shall be available in all DLE offices.
14.52 Handling of Complaints

1. All Citizen’s Complaint Forms shall be forwarded through the chain of command to the Director, Division of Law Enforcement.

2. The Office of the Director shall contact the complainant and inform him/her of the investigative process and provide an estimate as to when final disposition of the complaint is projected. Citizen complainants will be informed when the matter has been concluded and appropriate action, if necessary, taken. Specifics regarding the action taken will not be disclosed.

3. Complaints involving peace officer misconduct and any reports of findings relating thereto shall be retained at Headquarters for a period of at least five years as required by Penal Code Section 832.5 (b).

14.53 Investigation Complaints

1. Investigation of complaints alleging peace officer misconduct will be conducted by the ODEU Professional Standards Group (PSG) upon assignment by the Director, Division of Law Enforcement.

2. All investigations shall be conducted in accordance with Division guidelines for quality, completeness and in recognition of employee rights.

3. Unless the alleged conduct is of an ongoing criminal nature, the employee shall be notified of the complaint as soon as possible and prior to the initiating of any investigation.

14.54 Investigation Report

1. Upon completion of the investigation, the investigative report shall be forwarded to the Director, Division of Law Enforcement, for final review and approval.

2. Peace officer personnel records and records maintained pursuant to Section 832.5, or information obtained from such reports, is confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Section 1043 of the Evidence Code.
14.55 Disposition of Complaint

1. Bureau management responsible for control of the employee who was subject of the complaint will review the investigative findings and make recommendations for a final disposition to be approved by the Director.

2. All complainants shall receive a formal, written response to all complaints alleging peace officer misconduct upon final disposition of their complaints:
   a. Complaints involving policies and/or procedures shall be responded to by the Departmental unit to which the complaint has been routed.
   b. The Office of the Director shall prepare the required written response to all complaints alleging peace officer misconduct upon final disposition of the case.

14.56 Frivolous Complaints Against Peace Officers

Citizens’ complaints against peace officers by members of the public that are determined by the Department to be “frivolous” and related documents shall not be maintained in any peace officer’s general personnel file or any other Department, Division, Branch or office personnel file. For the purposes of this policy, the general personnel file is the file possessed and maintained by the Personnel Department within the Attorney General’s Division of Administrative Support.

The ODEU Professional Standards Group has established and maintains a Frivolous Complaint File, which documents the details of the complaint, the identity of the Department peace officer(s) named in the complaint, the steps taken and the information developed by which the Department determined that the complaint was frivolous, and any other relevant information or documentation. These files are deemed personnel records for purposes of the California Public Records Act as referenced in Division 7 of the Government Code and Section 1043 of the Evidence Code.

“Frivolous” is defined in Section 128.5 of the Code of Civil Procedure as:

1. Totally and completely without merit
2. For the sole purpose of harassing an opposing party
When a peace officer transfers to a bureau, it is the responsibility of the Branch from which the peace officer is transferring to provide the peace officer’s new bureau the peace officer’s frivolous complaint file for inclusion in the new bureau’s files.

Penal Code Section 832.5 (b) requires, “Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years”. 
Attachment A

Uniform apparel to be funded by the Officer’s annual uniform allowance:

Shirt – Short Sleeve, wool with insignias on shoulder
   Men                                   LAPD Blue
   Women                                 LAPD Blue

Shirt – Long Sleeve (optional), wool
   Men                                   LAPD Blue
   Women                                 LAPD Blue

Trousers – All Weather, wool
   Men                                   LAPD Blue
   Women                                 LAPD Blue

Tie (optional), cotton
   Men                                   Black
   Women                                 Black

Jacket
   All Weather                           Black or LAPD Blue
   Winter                                Black or LAPD Blue

Hat
   Campaign                              LAPD Blue
   Baseball, with police insignia         Black

Belt – Trouser Black Basket Weave, wool

Appropriate Footwear (Black), plain toe

Gloves – Winter (optional), leather

Name Tag (gold with black lettering)
DEPARTMENT OF JUSTICE
FPU MANUAL RECEIPT

I, ________________________, acknowledge that I have been issued a
(Employee’s printed name)
California Department of Justice, Facilities Protection Unit, Policy and Procedures
Manual. I have read my manual and agree to abide by the policies and procedures
stated therein.

_________________________________   _____________________
Employee’s Signature     Date    Manual #
Attachment B

**Range Policy**

These are the procedures for Facilities Protection Unit (FPU) Range Masters when using the Bureau of Forensic Services (BFS) range at 4949 Broadway:

1. Before using the BFS range, FPU Range Masters will:
   a. Notify the FPU Manager
   b. Ask permission from the BFS Range Coordinator to use the range and obtain the range key. Don’t use the FPU Grand Master key to gain entry, unless in emergencies.
   c. Sign in on the BFS range entry log located outside of the range door.

2. After using the BFS range, FPU Range Masters will:
   a. Ensure the range is clear of all spent cartridge cases and is clean and operational
   b. Report any range problems or malfunctions to the BFS Range Coordinator
   c. Sign out on the BFS range entry log
   d. Return the BFS range key to the BFS Range Coordinator
   e. Notify the FPU Manager of the names of the personnel who were qualified or trained at the range.

FPU Range Masters will not allow non-DLE peace officers/agents to enter or use the BFS range without approval from the BFS Range Coordinator and the FPU Manager.
REFERENCES


*DLE Intranet*. (2007). California Department of Justice Internet, Division of Law Enforcement.


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