

# Memorandum

**Date:** March 29, 2017  
**To:** All Sheriff's Personnel  
**From:** Undersheriff Bernard Melekian  
**Subject:** Administrative Investigation Team  
**Sheriff's Bulletin:** 17-2



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During recent incidents where the Administrative Investigation Team and the Risk Assessment Unit were involved there was confusion as to the duties and responsibilities of the two teams. Therefore, effective March 29, 2017, the two teams will be combined into the Administrative Investigation Team. While occasionally, there may be the need to divide the investigation between civil and administrative review, this should be a rare occurrence. When this happens, the AIT Commander and Deputy County Counsel will take the necessary steps to bifurcate the investigations as outlined in the proposed policy below.

## **Proposed Policy**

### **Administrative Investigation Team**

#### Purpose and Scope

The Administrative Investigation Team (AIT) is an investigative unit charged with conducting noncriminal investigations into specific events. The administrative fact-finding investigations conducted by this team are for the purpose of civil litigation defense, to determine compliance with agency policy and procedures and to identify equipment and training issues.

#### Team Structure and Composition

A Sheriff's Commander will lead the Administrative Investigation Team with the assistance of an assigned Deputy County Counsel. The team will include Law Enforcement and Custody Lieutenants who will be the supervisors for individual assigned investigations. Law Enforcement and Custody Sergeants will conduct the individual investigations under the supervision of the assigned Lieutenant. Members of the Administrative Investigation Team shall be selected and/or removed from the team at the discretion of the Sheriff or Undersheriff.

### Team Activation

The Sheriff, Undersheriff or his /her designee, shall activate the Administrative Investigation Team. Any Division Commander may request an AIT investigation through the affected Branch Chief Deputy. Upon approval of an AIT response, the AIT Commander shall be contacted by the Branch Chief Deputy to activate the team. The AIT Commander will determine the size and composition of the team members on an individual case-by-case basis.

### Duties

The Administrative Investigation Team may be deployed to conduct an investigation in the following types of incidents:

1. Accidental or intentional discharge of a firearm, whether the employee is on or off duty, when there is injury or significant damage to a third party's property (Deadly Force Review Policy 302.2 and/or Officer Involved Shooting Policy 310.3),
2. Pursuits resulting in death or serious injury (Vehicle Pursuit Policy 314.81),
3. Employee involved traffic collisions resulting in death or serious injuries (Traffic Collision Reporting Policy 502.42),
4. In custody deaths and/or serious injuries,
5. Incidents identified by Risk Management, in conjunction with Executive Staff, where a liability claim is anticipated,
6. Other incidents as identified by the Sheriff, Undersheriff or his/her designee.

### Investigations and Reports

The Administrative Investigation Team will conduct those investigations as provided for in this policy. As the AIT is responsible for investigations that may lead to employee discipline as well as civil litigation there may be the necessity to bifurcate the investigation of an individual incident. The AIT Commander with the assistance of the assigned Deputy County Counsel will determine the need for a bifurcated investigation and make the appropriate assignments.

Any investigation conducted for purposes of responding to possible civil litigation shall be strictly considered attorney-client work product.

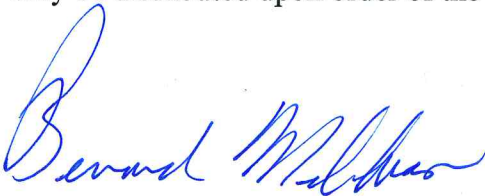
If during the course of any investigation, the Administrative Investigation Team determines that criminal activity may have occurred, a referral shall be made to the Executive Staff for the criminal investigation, while the AIT continues with its independent investigation(s).

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In cases of a civil liability investigation, those agency members interviewed shall be informed that the interview is being conducted in anticipation of future litigation, will not be used in a subsequent personnel investigation, and will be kept confidential pursuant to the attorney client privilege as afforded by law.

It will be the responsibility of the primary Lieutenant to coordinate the meetings and documentation necessary for the investigation. In certain cases, a presentation may be required to either a Deadly Force Review Board or Executive and Command Staff. It will be the responsibility of the AIT Commander to coordinate that presentation. It will be the primary Lieutenant's responsibility to coordinate with the AIT Commander to ensure the presentation material is prepared.

Upon completion of the entire investigation, and after any presentation, all reports will be archived within a unique AIT file folder. The lead investigator will collect any attachments and original recordings created by AIT investigators or any other items seized and retained during the AIT investigation. The AIT Commander with the assistance of the assigned Deputy County Counsel will be responsible for the storage and destruction of any reports or material created or seized during an AIT investigation. Copies of any of this material will only be distributed upon order of the AIT Commander.



BERNARD MELEKIAN  
Undersheriff