

**Another Hostile Work Environment?  
Orange County District Attorney Bureau of Investigation**



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## **SUMMARY**

In the course of an investigation into the Orange County criminal justice system, the 2016-2017 Orange County Grand Jury became aware of personnel concerns in the Orange County District Attorney's Bureau of Investigation. The Grand Jury interviewed nearly 100 employees in the Orange County District Attorney's office and heard multiple admissions of sexual relationships and numerous complaints about preferential treatment and retaliation within the Bureau as a result of these relationships. The Grand Jury is not charged with investigating specific employee allegations. The Grand Jury is therefore unable to confirm whether or not any specific allegation is true. However, whether or not the specific allegations presented to the Grand Jury are true, the sheer volume and pervasiveness of the perception of favoritism and retaliation based on sexual relationships is problematic as that perception alone can create a hostile work environment. A hostile work environment can undermine morale, reduce productivity, negatively impact agency operations and can pose a financial liability for the county.

## **REASON FOR THE STUDY**

In the course of our investigation into the Orange County criminal justice system, the 2016-2017 Orange County Grand Jury (OCGJ) became aware of personnel concerns in the Orange County District Attorney's (OCDA) Bureau of Investigation (Bureau). The OCGJ heard complaints about misconduct and retaliation by some Bureau management. Whether or not these allegations are true, the pervasiveness of the concerns appears to have created a hostile work environment for many in the Bureau. A hostile work environment can undermine morale, reduce productivity, and negatively impact agency operations. Given that concern the OCGJ sought to investigate the Bureau's personnel operations.

## **METHOD OF STUDY**

The OCGJ interviewed nearly 100 employees of the OCDA's office including deputy district attorneys, senior assistant district attorneys, investigative assistants, paralegals, investigators, human resource staff and managers, supervisors, commanders and executive staff. Individuals from the county Human Resource Services Department and Equal Employment Opportunity (EEO) Access Offices were also interviewed. The OCGJ reviewed the hiring, promotion and evaluation policies of the Bureau as well as those of investigative bureaus of neighboring counties. OCGJ also reviewed the county human resources policies and training materials of both the general OCDA office and the Bureau specifically. The 2002 Orange County Grand Jury report (Orange County Grand Jury, 2002), and the 2006 and 2015 operational audits of the OCDA, both of which reference personnel issues within the Bureau, served as the initial basis for interview questions. The OCGJ read multiple research articles on sexual harassment and the creation of hostile work environments, examined case law, reviewed the 2013 Orange County Grand Jury report on harassment within the county (Orange County Grand Jury, 2013), and consulted U.S. Bureau of Labor Statistics publications to be better informed on the issue.

## **BACKGROUND AND FACTS**

As the largest law firm in Orange County, the OCDA employs more than 270 attorneys whose mission it is to “*enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner*” (Orange County District Attorney, 2017). The tremendous workload of processing in excess of 60,000 criminal filings annually requires extensive support staff to ensure that the mission of the office is achieved. An important and strategic element of that support is the Bureau.

The Bureau is the OCDA’s investigative division providing support and trial preparation assistance to the deputy district attorneys. The Bureau employs more than 250 personnel including investigators, assistant investigators and administrative staff and accounts for a third of the \$138 million OCDA budget. Similar to most Southern California district attorney offices, a large number of the investigators in the OCDA are sworn peace officers (182), most of whom have been recruited from other law enforcement agencies. It also employs 76 non-sworn support team members.

Investigators within the Bureau conduct difficult, sensitive, and complex criminal and civil investigations involving the gathering of evidence for the apprehension and prosecution of people and entities suspected of violating the laws (Appendix A). They prepare and serve search and arrest warrants and collect additional evidence for prosecution. The Bureau develops interviews and locates additional witnesses, including uncooperative or reluctant witnesses. During trial, investigators ensure the safety of victims and witnesses and engage in trial strategy with their deputy district attorney partners. The Bureau is also often called upon to help local law enforcement agencies in the development of their cases.

The Bureau is divided into 32 divisions that support all areas of the OCDA. There are also several units within the Bureau that have responsibility for independent investigations into organized crime, major fraud, police brutality, and political corruption cases that could not be handled by a city police department. Most employees at the commander and supervisor levels interviewed by the OCGJ stated that the role of the Bureau is to facilitate the prosecution of crime and to work with the attorneys. However, the OCGJ heard from some within the Bureau that some Bureau management perceive the Bureau’s role as one that more closely aligns the Bureau with a police department first and an attorney support unit second.

### **The Shifting Role of the Bureau**

The OCGJ had several witnesses state that, over the years, the Bureau has shifted away from its mission as a support unit for trial preparation and evolved into a separate law enforcement agency. Some current Bureau management see this as a necessary response to increasing hostility toward police, so investigators are now further trained in weapons, subduing suspects, use of force, and risk management. The Bureau has hired its own range master to assist with investigators’ required firearm certification. We heard from several investigators that this training was *proactive* as there has yet to be an instance in Orange County when an investigator has needed these increased skills. But many believe that the current climate in the country

means it's just a matter of time before an investigator comes under physical attack. Others however, left jobs in police agencies to escape that aspect of a law enforcement job. This split in the perceived role of the Bureau has caused tension in the office that has led to early retirement, relocation, and hard feelings by some investigators.

Shifting the Bureau's identity away from a law office support unit to a separate police agency can change the office culture that can make the reporting of personnel concerns more difficult. The solidarity of law enforcement personnel has been well documented and it was apparent to the OCGJ that many of the individuals we interviewed believe any problems faced by Bureau employees should be dealt with in-house and not discussed outside the Bureau. This fact is significant when examining the organizational leadership of the Bureau and allegations of favoritism, sexual impropriety, and retaliation (DuBois, 2014) (Trautman, 2000). If the various allegations presented to the OCGJ are true, OCGJ believes that at least some of the employees of the Bureau that raised these concerns to the OCGJ may have been reluctant to speak out within the Bureau as doing so could be perceived as being disloyal and violating the policeman's code of solidarity.

## **Leadership in the Bureau**

### *Chain of Command*

The OCDA is structured such that the Bureau has its own chain of command, separate from the district attorneys. The Chief Investigator, as the head of the Bureau, reports directly to the District Attorney, bypassing the Chief Assistant District Attorney. Bureau management also includes an assistant chief, five division commanders and multiple supervisors. Every unit within a division has its own supervisor. Investigators assigned to prosecutorial units report to a Bureau supervisor and not to the attorneys from whom they take direction. This often causes confusion and inefficiencies in case development, as investigators can be removed and transferred among units for the needs of the Bureau, not always in the best interests of case development.

The OCGJ heard from several witnesses that some members of current Bureau management often skipped the established chain of command when issuing assignments and directions. Supervisors and commanders reported that work instructions were frequently sent from some members of management to them through subordinates whom they supervised who were friendly with those members of Bureau management. This apparent disregard for a proper communication chain of command left many investigators with the perception there were favorites in the Bureau and that management's authority had been undermined.

### *Employee Perception of Fair Leadership*

Leadership should be fair, transparent, and consistent. In interviews conducted by the OCGJ many employees complained that some Bureau management came up short. There exists among some Bureau employees a perception that a "good old boys club" ("A" team) exists in the Bureau. Further, it is believed by several Bureau employees that this "A" team receives preferential assignments and promotions due to their favored status. Individuals reported that to

become a member of this group, and thus a favorite of Bureau management, a Bureau employee must socialize and participate in a variety of afterhours activities with the “A” team members. While socializing outside of work hours is common in any workplace, it should never be used to determine who is worthy of a promotion or considered first for transfers to more desirable positions. Individuals who have family obligations or do not want to socialize outside of work reported they felt ignored when it came to promotions and preferential assignments in favor of those who were perceived to be “A” team members.

While the OCGJ did not investigate the factual basis of this “A” team’s existence, and did not find any job requirement in writing that requires participation in extra-curricular activities for promotion, the mere fact that this perception was repeated multiple times in interviews leads the OCGJ to question the managerial effectiveness of some members of Bureau management. Either the actions on the part of some Bureau management have actively fostered a perception that there are those who are part of an inner circle and those who are not or, if this perception is not true, Bureau management has not taken effective action to identify and diffuse this perception.

### *Assignment Rotation*

Most investigators come to the Bureau from local law enforcement agencies and have investigative experience as detectives. The published job description requires seven years of previous law enforcement work with several years of case management experience. Bureau management believes that to be a good Bureau investigator an individual must have substantial prior investigative experience, preferably in a law enforcement organization. However, investigators in the Bureau are assigned to specific units on a rotational basis and often these assignments do not take advantage of an individual’s previous knowledge and/or experience in specialized areas such as gangs, robbery, narcotics, homicide, or family protection. Often investigators have to learn new areas, new specific vernacular, and unique strategies on the job. In interviews with the OCGJ, investigators stated they are frequently rotated around units and as a result do not always have the opportunity to become adequately experienced in an assigned area before rotating to another unit. Position rotations occur very frequently and assignments often appear to be random in their matching of an investigator with their skill set. When promotions occur, this can be a detriment.

Every six months investigators submit to Bureau management a so-called “wish list,” in which they state their three most preferred assignments within the Bureau. Some positions are more desirable than others. The OCGJ found no formal protocol outlining the assignment and rotational process, and therefore no transparency in assignments. This lack of transparency has added to the belief that favoritism exists in assignments. Many investigators we spoke with feel the wishes of employees are largely ignored, and the OCGJ heard of incidents in which employees believe they were rotated as a retaliatory response to a complaint or concern they had voiced. Greater transparency in rotation assignments would help diffuse this perception.

### *Performance Evaluations*

The OCGJ spoke with many employees, supervisors, and several attorneys who feel that their opinions on individual investigators’ performance are often ignored, and many reported they no

longer voice their opinion believing it to be a useless effort. Several of the individuals with whom the OCGJ spoke regarded this evaluation as a formality rather than as a real performance evaluation, and did not feel that performance evaluations were reflected in promotions and/or assignments. Again, Bureau management has either taken actions that foster these perceptions or not taken adequate measures to identify and diffuse these perceptions.

### **Sexual Relationships and a Hostile Work Environment**

The OCGJ had several interviews with Bureau employees who admitted to, or had heard rumors of, consensual sexual relationships between supervisors and subordinates. While the sexual encounters relayed to the OCGJ appear to be consensual, this does not excuse the fact that many were between supervisors and subordinates in an obvious power differential. This power differential has been argued to remove the possibility of consent as it can be difficult for a subordinate to consent to a relationship with a supervisor because of the inherent pressure and influence of his or her advances (Murad, 2013). Even if consent is agreed upon, supervisor-subordinate relationships can hurt morale as the relationship can lead to claims of favoritism or cause other coworkers to feel uncomfortable and create a hostile work environment.

The California Supreme Court ruled in *Miller v. Department of Corrections (S114097, WL 1661190 Cal. 2005)* that a supervisor's sexual relationships with a subordinate may create a hostile work environment for coworkers, even if those coworkers were not propositioned by the supervisor. This case was significant because it expanded an employer's liability by allowing employees to bring claims based on consensual sexual relationships between supervisors and subordinates.

Indeed, some investigators the OCGJ talked with believed that several promotions and assignments within the past two years had been the result of favoritism related to these sexual encounters and that certain individuals were immune from discipline for inappropriate behavior. The EEO Commission policy states "*if favoritism based upon the granting of sexual favors is widespread in the workplace both males and females who do not welcome that conduct may establish a hostile work environment claim, regardless of whether any objectionable conduct is directed at them and regardless of whether those who were granted favorable treatment willingly participated in the sexual conduct.*" Whether specific alleged acts of favoritism occurred or whether some employees actually do receive "immunity," the perception that such is the case can negatively impact employee morale.

Finally, in addition to the consensual sexual relationships that were reported to the OCGJ and the resulting belief that favoritism exists, allegations of sexual harassment were relayed to the OCGJ. It is not within the jurisdiction of a civil grand jury to investigate individual allegations of sexual harassment. Therefore, the OCGJ has not investigated and cannot say whether specific alleged acts occurred. If they did occur, the negative impact on employee morale and the possible liability to the County is clear. If they did not occur, the OCGJ is still concerned about the state of employee morale in the Bureau in that many employees appear to believe these activities are occurring. The allegations reported to the OCGJ by some Bureau employees include:

- Multiple incidents of transmission of sexually suggestive pictures through emails and text messages.
- Inappropriate sexual and racial jokes and pictures transmitted via email and text messages.
- Unwelcome sexual behavior between some members of management and subordinates.
- Unwelcome touching.
- Sexual encounters at training conferences.
- Sexually explicit comments about coworkers' body parts.

Sexual harassment is not a unique problem in the modern workplace. Most employers require regular sexual harassment training of supervisors and nearly all companies have a sexual harassment policy in place (Bureau of Labor Statistics, n.d.). While the Orange County Board of Supervisors has passed resolutions addressing EEO concerns since 1965, a more comprehensive anti-harassment policy has been in place since 1999 and was last updated on November 13, 2015. This policy defines harassment and retaliation and clearly states that such incidents will not be tolerated. It also states that “[county] Agencies/Departments are expected to investigate and remedy promptly any seemingly minor acts of harassment to avoid the development of a hostile work environment” and “..... [a hostile] environment exists when there is conduct severe enough or sufficiently pervasive to alter the conditions of employment and create a work environment that qualifies as hostile or abusive to employees” (Appendix B).

The current county policy encourages employees to immediately report incidents of inappropriate behavior to their supervisor, manager, agency or department human resources staff, or the Human Resources Services Department/EEO Access Office. The OCGJ was skeptical of multiple claims of sexual improprieties because individuals overwhelmingly stated they had not reported any incidents of harassment or hostile work environment to any supervisory entity. However, research has repeatedly demonstrated that large numbers of employees who experience sexual harassment in the workplace do not report it (Johnson, Kirk, & Keplinger, 2016).

The number one reason cited by researchers for failure to report harassment is fear of retaliation. Employees in the OCDA office articulated this same concern. Individuals who felt they had been subjected to harassment or had witnessed harassment of others told the OCGJ that they would not report it because either 1) they believed there would be retaliation by career curtailment or job loss or 2) nothing would be done. Many who the OCGJ spoke with stated they feared reporting incidents of harassment to Human Resources in the OCDA because they believed it would be reported back to the harassers. The OCGJ was told of past investigations of complaints that lacked thoroughness. It should be noted that previous botched investigations within the county have resulted in decisions costing the county millions of dollars (Orange County Grand Jury, 2002). Whether retaliation or adequate investigation would have occurred, the fact that such perceptions are held by some employees can negatively impact employee morale and an agency's effectiveness and can reduce needed reporting of inappropriate behavior.

Additionally, when harassment is reported, organizations often trivialize or minimize the behavior. Unfortunately, research has demonstrated that those alleging harassment are often disregarded and their complaints are deemed non-credible (Fitzgerald, Swan, & Fischer, 1995).



In fact, when the OCGJ asked individuals in OCDA management positions about the various complaints of inappropriate behavior, the complaints were often passed off to the OCGJ as either false or inaccurate with comments that likened the actors to kids in a candy store when they gained positions of power over female subordinates or the behavior was passed off as just chasing skirts. In interviews with management in the OCDA office there often did not seem to be recognition of the severity of the alleged behavior but rather a discounting and a dismissive “boys-will-be-boys” mentality.

### **Sexual Harassment Training**

The OCDA training on sexual harassment consists of several approaches. Employees are required to take a computer generated interactive training program. Management is required to participate in a biannual in-person training session. In these training sessions issues of harassment are defined and examples are given. Also, the procedures for filing of complaints are discussed and there is an annual memo regarding the importance of preventing and reporting harassment in the workplace. However, this training does not appear to be sufficiently effective. The OCGJ found few Bureau employees interviewed were aware of codes of conduct and sexual harassment policies and even fewer knew how to report any concerns. Some employees could not remember when or if they received harassment training; others had taken the training over a year ago.

### **Bureau Code of Conduct**

The OCGJ examined the current policy manuals of the Bureau. The Bureau Policy Manual currently in effect was last updated in May 2006 and makes reference to the Code of Professional Conduct and Responsibilities for Peace Officers developed by the California Peace Officers Association and the Law Enforcement Code of Ethics.

It should be noted that there is presently an effort, which has been ongoing for more than a year, to create a new Bureau policy manual. The OCGJ reviewed this Draft Policy Manual and noted specifically that Module Policy No. 315, Standards of Conduct contains sections with detailed Code of Conduct guidelines specifically addressing any breach as a cause for disciplinary action (Appendix C).

### **CONCLUSION**

The OCGJ heard numerous complaints of personal relationships and preferential treatment within the OCDA Bureau. The OCGJ is not charged with investigating specific cases of inappropriate employee behavior. The OCGJ is therefore unable to confirm the accuracy of any specific allegation. However, whether or not the specific allegations presented to the OCGJ are true, the sheer volume and pervasiveness of the perception of favoritism and retaliation based on sexual relationships is problematic as it can suggest the existence of a hostile work environment. A hostile work environment can undermine morale, reduce productivity, negatively impact agency operations and can pose a financial liability for the county.

## FINDINGS

In accordance with California Penal Code Sections §933 and §933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of “*Another Hostile Work Environment? Orange County District Attorney Bureau of Investigation*” in Orange County, the 2016-2017 Orange County Grand Jury has arrived at eight principal findings, as follows:

F.1 Multiple consensual relationships involving some members of Bureau management have contributed to a perception of favoritism and cronyism among some in the Bureau. This perception stems from the promotion of some who have been engaged in intimate relationships with their supervisors, whether or not those promotions were deserved, and a belief by some that participation in activities that occur outside the workplace impact promotion decisions. This has created the perception of a hostile work environment for some.

F.2. Current county sexual harassment training for Bureau employees does not appear adequate. Many Bureau employees appear to be unaware of the policy. Some OCDA management seemed unaware of the implications of a hostile work environment and what constitutes sexual harassment.

F.3. The current county sexual harassment policy does not prohibit supervisor-subordinate intimate relationships.

F.4. The absence of a transparent assignment process that uses investigators’ skill sets has contributed to the perception of favoritism among some investigators.

F.5. Supervisor and commander positions lack an adequate management training requirement. This has led to either a failure to uniformly enforce OCDA and county policies surrounding work place behavior or at least a perceived failure to do so.

F.6. Some employees report they do not feel comfortable going to OCDA or county Human Resources Services staff to report incidents of harassment for fear they will not be afforded confidentiality, the complaint will be dismissed, or they will face retaliation.

F.7. Under the current leadership, the Bureau is run much more like a police department than a support unit for a law firm and this has led several employees to invoke the law enforcement code of silence about alleged inappropriate behavior in the Bureau.

F.8. There is a perception among some Bureau employees that some members of OCDA management have not consistently enforced the Orange County zero-tolerance policy towards sexual harassment.

Penal Code §933 and §933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested, from departments of local agencies and their non-elected department heads.

## **RECOMMENDATIONS**

In accordance with California Penal Code Sections §933 and §933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of “*Another Hostile Work Environment? Orange County District Attorney Bureau of Investigation*” in Orange County, the 2016-2017 Orange County Grand Jury makes the following six recommendations:

R.1. The OCDA should implement comprehensive management training of all management in the Bureau.

R.2. The OCDA should ensure all employees receive comprehensive sexual harassment training annually and periodically follow up to ensure policies are being followed.

R.3. Bureau management should recognize the Bureau’s role in the mission of the OCDA, prioritize assignments accordingly, and develop an assignment process that better uses the experience and skills of investigators.

R.4. The county should consider implementing a policy that prohibits intimate supervisor-subordinate relationships and prohibits all individuals holding a senior leadership position in any county agency from engaging in any intimate relationships with anyone in the agency they supervise.

R5. The county should review the current sexual harassment training provided to all county employees and include metrics for impact and effectiveness.

R6. The Board of Supervisors should hire an outside, independent investigator to investigate why the OCDA and county Human Resources Services departments are not being used in reporting by individuals in the Bureau.

## **REQUIRED RESPONSES**

The *California Penal Code* §933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County

official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from:

Responses Required:

**Orange County District Attorney F. 1-8, R.1-3**

**Orange County Board of Supervisors F. 2-3, R.4-6**

## REFERENCES

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## APPENDICES

### APPENDIX A: Orange County Job Description for District Attorney Investigator

County of Orange  
Class Code: 6504PO  
Established: 10-12-07

#### DISTRICT ATTORNEY INVESTIGATOR

##### DEFINITION

Under general supervision, to conduct difficult, sensitive and complex criminal and civil investigations for the District Attorney's Office, Sheriff's Department, Municipal Police Agencies and the Grand Jury involving the gathering of evidence for the apprehension and prosecution of person/entities, suspected of violating the laws and to do other work as required.

##### CLASS CHARACTERISTICS

Incumbents independently perform a wide range of criminal investigations including the more difficult; provide technical guidance and training to investigative staff and may serve as team leaders of investigative activities. Incumbents exercise independent judgment and action in the analysis of evidence in order to determine whether a crime was committed or to obtain or develop additional evidence to support criminal prosecution. The District Attorney Investigator class requires that then incumbent possess experience in conducting wide variety of criminal investigations including specialized crimes and grand jury investigations.

##### EXAMPLES OF DUTIES

1. Plans, conducts and coordinates investigations to support prosecution of a wide variety of criminal and civil cases including complex fraud, environmental crimes, organized crime and political corruption.
2. Investigates complex crimes under the jurisdiction of the Orange County Grand Jury, violations of corporate laws and highly sensitive or confidential criminal or civil matter referred to the District Attorney by municipalities.
3. Gathers and obtains critical information and evidence through interviews of victims, suspects and witnesses; investigates crime scenes; conducts intelligence gathering by establishing and maintaining relationships with key informants and conducting stationary and mobile surveillance.
4. Prepares reports and makes recommendations to attorneys regarding the filing of criminal complaints. Assist attorneys in the preparation of cases for trial; requests and/or prepares

subpoenas for witnesses, participates in, prepares subpoenas for witnesses, participates in, prepares and/or executes and conducts search warrant operations.

5. Establishes and maintains strong cooperative relationships with other law enforcement and public agencies.

6. Testifies in court as the investigating officer.

7. Acts as a liaison and coordinates investigative activities with law enforcement officers from various agencies; coordinates the appearance of witnesses at trial and explains court procedures; conducts background investigations on new staff.

8. Serves criminal and civil process documents, makes arrests as necessary based on probable cause, bench warrant and criminal complaints.

9. Transports and stores evidence; operates technical investigative equipment such as computers, recorders, cameras and electronic sound equipment.

10. Explains District Attorney Policies and Procedures as well as applicable laws and regulations to the public, other government agencies, witnesses, suspects, and victims.

11. Prepares and maintains statistical and operational logs, records and reports; maintains computer data bases relevant to assignment.

12. Participates in Federal, State, and local law enforcement intelligence activities.

13. Performs extradition of prisoners from other jurisdictions.

14. Performs County-wide criminal investigations on elected officials, attorneys, law enforcement officers and other sensitive and high profile matters. Reviews and evaluates records maintained by any state or local agency pursuant to authorization of penal code section 832.7.

15. Assists out of state law enforcement agencies.

16. Provides expertise in investigative specialty areas such as narcotics, gangs, domestic violence, organized crime, officer involved shootings, and a variety of complex frauds.

17. Transports witnesses to and from court, provides witness protection and witness relocation assistance as needed.

## MINIMUM QUALIFICATIONS

Special Requirements for Peace Officer Status: Applicant must:

Be a citizen of the United States or qualify for Peace Officer status under California Government Code Section 1031.5; be at least 20 years of age; not have been convicted of a felony.

Be free from any physical, emotional or mental condition which might adversely affect exercise of peace officer powers, as determined by a licensed examining authority in accordance with California Government Code Section 1031.

Have graduated from high school, attained a satisfactory score on a G.E.D. test or passed a California high school proficiency examination.

Pass a background investigation conducted in compliance with California Government Code Section 1031, to the satisfaction of the Sheriff-Coroner or District Attorney.

Possess a current and valid California Peace Officer Standards and Training (P.O.S.T.) Basic Certificate or Basic Course Waiver as of date of appointment.

#### License Required

Possession of a valid California Driver License by date of appointment.

#### General Knowledge

Methods and techniques of criminal investigation including the gathering and presentation of evidence; laws of arrest, rules of evidence and courtroom procedure; methods and use of technical investigative equipment.

#### Ability to

Gather, assemble, analyze and evaluate facts and evidence, draw logical conclusions and make sound recommendations; obtain information through interview and interrogation; prepare clear, concise, comprehensive reports; work effectively with a variety of law enforcement agencies; operates various technical investigative equipment.

Use firearms skillfully; operate police vehicles and other equipment under a variety of adverse field conditions; pass a medical examination for peace officers whose duties demand top physical fitness and agility and/or carry out a conditioning program to maintain good fitness; subdue and restrain a subject resisting arrest with due concern for safety of prisoner, bystanders and self.

#### Experience

Five years of experience as a law enforcement officer in accordance with California Penal Code Section 830.1 or its equivalent including two years of experience performing investigations of felony and high misdemeanor crimes



**APPENDIX B:  
Excerpt from the Orange County EEO and Harassment Policy**

COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY and ANTI-HARASSMENT POLICY AND PROCEDURE

C. Harassment

1. Harassment consists of unwelcome conduct, whether verbal, physical, or visual...
2. ...A hostile work environment exists when harassing conduct is severe or pervasive enough to alter the conditions of employment...so as to create an abusive working environment...Agencies/Departments are expected to investigate and remedy promptly even seemingly minor acts of harassment to avoid the development of a hostile work environment.

Examples of harassment include, but are not limited to:

- Explicitly or implicitly conditioning any term of employment... (e.g., continued employment/placement, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
  - Participating in conduct the purpose or effect of which is to unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment;
  - Unwelcome touching or grabbing any part of an employee's...body;
  - Continuing to ask an employee...to socialize on or off-duty when that person has indicated she or he is not interested;
  - Displaying or transmitting, in person or through any media, sexually suggestive pictures, words, objects, cartoons, or posters if it is known or should be known that such behavior is unwelcome;
  - Sending sexually suggestive notes or letters if it is known or should be known that the recipient does not welcome such behavior;
  - Telling sexual jokes or using sexually vulgar or explicit language in the presence of another person;
  - Using foul language or gestures;
  - Harassing acts or behavior directed against a person on the basis of his or her sex or any other protected classification;
  - Derogatory or provocative remarks about or relating to an employee's...sex or appearance;
  - Off-duty conduct which falls within any of the above that nonetheless affects the work environment; and
  - Making unwelcome or inappropriate inquiries about a person's private or personal behavior.
3. Any person who believes he or she has been the victim of unlawful harassment should report the incident immediately to his or her supervisor, manager, Agency/Department

Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken...

4. The County of Orange will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment. Whenever an employee...alleges harassment, or at any time when it is believed that harassment is taking place, the County of Orange will act promptly to investigate and take swift and appropriate remedial action in dealing with those found in violation of the County's EEO and Anti-Harassment Policy.
5. Harassment in the form of retaliation for complaints of discrimination will likewise not be tolerated.
6. Harassment is misconduct which could result in discipline, up to and including discharge.

#### D. Retaliation

1. Retaliation is defined as taking an adverse employment action(s) against an employee...because of her/her protected activities, including but not limited to the reporting of violations of law or policy, unlawful discrimination, harassment, retaliation, and any other violation of this policy. Adverse employment actions may include, but are not necessarily limited to, denial of a promotion, refusal to hire, and/or imposition of discipline...
2. Any person who believes he or she has been the victim of retaliation should report the incident immediately to his or her supervisor, manager, Agency/Department Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken...
3. Retaliation is misconduct which could result in severe discipline up to and including discharge.

**APPENDIX C:  
Excerpt from OCDA Bureau Policy Manual**

ORANGE COUNTY DISTRICT ATTORNEY BUREAU OF INVESTIGATION  
POLICY MANUAL (DRAFT)

Policy 315 – Standards of Conduct

315.2 Policy

The continued employment or appointment of every member of the orange County District Attorney shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off- duty, may be cause for disciplinary action.

315.5 Causes for Discipline

The following are illustrative of causes for disciplinary action. The list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Bureau service:

315.5.4 Relationships

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

315.5.9 Conduct

- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Bureau or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this Bureau.
- (m) Any other on- or off--duty conduct which any member knows or reasonably should know is unbecoming a member of this Bureau, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Bureau or its members.