



KERN COUNTY DISTRICT ATTORNEY OFFICE MEMORANDUM

TO: District Attorney – All Staff
FROM: Lisa S. Green, District Attorney
DATE: October 3, 2018
SUBJECT: Policy and Procedure for Public Integrity Unit (PIU)

I. MISSION

The citizens of Kern County have the right to expect that their elected and appointed officials will carry out their duties in a lawful, ethical, and professional manner. They also have the right to expect that administrators, supervisors, and the immediate subordinates of elected and appointed officials, who play an integral role in achieving the mission of the office holder, will discharge their duties and obligations in the same lawful, ethical, and professional manner.

The District Attorney has created the Public Integrity Unit, within the White-Collar Crime and Civil Enforcement Unit, whose mission it is to ensure that public and appointed officials, and their subordinates, fulfill their legally mandated duties. To this end, the District Attorney's Office will use all resources at its disposal to detect, investigate, and prosecute criminal misconduct at all levels of public service. Through its efforts, the Public Integrity Unit's goal will be to increase the public's level of confidence in its elected and appointed officials.

The Public Integrity Unit will aggressively and proactively seek out public corruption at all levels of government. All matters referred to the Public Integrity Unit for consideration will be thoroughly and fairly reviewed.

II. SCOPE OF RESPONSIBILITY:

Public officials are elected or appointed to positions of public trust. The community depends on their honest performance of duties and their adherence to the obligation to serve the best interests of the community without concern for their personal financial interests. In the event of any breach of this trust, the Public Integrity Unit will investigate and, if appropriate, prosecute criminal misconduct by any elected or appointed public official. It is the responsibility of the Public Integrity Unit to investigate and prosecute criminal conduct by a public official when that conduct relates to the official's duties as a public servant. The term "public official" is to be defined in the broadest possible manner and includes state, county, and city officials as set forth in Government Code § 82048.

Public institutions, such as city and county boards, agencies, and commissions, perform an important role in a democratic society. Examples of these public institutions are any school districts, local agencies, airport commissions, water districts, etc. It is imperative that these board members and commissioners pursue their duties in a lawful manner. As such, allegations of misconduct by members of these institutions, related to their official duties, shall be investigated and prosecuted by the Public Integrity Unit.

Examples of misconduct that will be investigated, and prosecuted if appropriate, by the PIU include: Criminal violations related to the public office held; Election and Campaign Violations; Conflicts of Interest; Brown Act Violations, Grand Jury Accusations of Malfeasance in Office; and Quo Warranto Writs of Ineligibility to Hold Office with permission of the California Attorney General.

III. CASE MANAGEMENT:

It is imperative that each complaint be thoroughly and fairly reviewed to ensure that there is integrity in the public entities that act within Kern County. To ensure that occurs, this process will be followed:

1. A complaint, from any source, involving any one of the public entities described in Section II, shall be given to District Attorney's Administrative Assistant. Complaints generated by PIU investigators are required to follow this same process. The PIU investigator will draft a complaint memorandum detailing the alleged violations and violators of the public integrity laws. That memorandum will be giving to the DA's Administrative Assistant to begin processing.
2. The DA's Administrative Assistant will:
 - a. Enter the complaint into the PIU log that is maintained in the PIU Folder on the DA OneDrive. Each complaint will be given a unique, numerical number which will consist of the last 2 numerals of the year, 2 numerals for the month, 2 numerals for the day and 2 numerals for the number of complaints for that day. For example, if 2 complaints are received on August 14, 2018; the first would be 18081401 and the second would be 18081402.
 - b. Create a subdirectory in the PIU Folder on the DA OneDrive with that complaint's number. Then all documents related to that will be scanned into that subdirectory.
 - c. Notify the SDDA of the White-Collar Crime and Civil Enforcement Unit of the complaint.
3. The SDDA will:
 - a. Review the complaint and determine what action shall be taken.
 - b. If it is a complaint against a public official and, if true, the allegations would result in an action being taken, the SDDA will advise the District Attorney of the complaint. After receiving direction from the DA, the SDDA will take appropriate steps to complete the investigation of the complaint.
 - c. If the complaint does not allege public integrity violations, the SDDA will assign it to the PIU DDA to draft the appropriate response.
 - d. If the complaint does allege facts, that if true, would be violations of the law by a public entity as described in Section II, and with the approval of the DA, the SDDA will assign the complaint to the PIU DDA and notify the Chief of the

- Bureau of Investigations for assignment.
- e. The SDDA will review the case memorandum prepared by the PIU DDA. The SDDA will take appropriate action, including forwarding it with recommendations to the DA.
 - f. The SDDA will annotate the PIU Log as to what actions were taken on the complaint.
4. The PIU DDA will:
- a. As directed by the SDDA, respond to every complainant advising them of any action this office is taking regarding their complaint.
 - b. If appropriate, notify any state or local agency that would have concurrent jurisdiction over the violations, such as the Fair Political Practices Commission, Secretary of State, Attorney General, County Counsel, or Department of Elections. Such notification will be annotated in the PIU log as to when and how it was accomplished, and a copy of that notification placed in the subdirectory for that complaint number.
 - c. In conjunction with the assigned investigator, thoroughly investigate all complaints in which if the allegations were true would result in action by the District Attorney's Office.
 - d. At the end of each investigation, prepare a case memorandum detailing the steps taken to investigate the case, the applicable law, and recommended outcome.
 - e. With the approval of the DA, if appropriate, file and prosecute all violations of the law utilizing the appropriate court process.
 - f. Provide a monthly status report to the SDDA.
5. Document Management:
- a. If possible, all documents, are to be scanned and placed in the subdirectory of the DA OneDrive of each complaint. Documents include, but are not limited to, reports, photographs, audio files, video files, emails, writings obtained during the investigation.
 - b. The PIU log will be utilized to track the status of the complaint and be updated by anyone responsible in this process.
 - c. All hard copies may be destroyed after scanned and acted upon.
6. Media or Public Inquiries:
- a. The identity of the complainant shall not be disclosed. Complainants are to be treated as confidential informants and their identities disclosed only if they are percipient witnesses to any of the events complained of.
 - b. The PIU DDA will respond to media inquiries in accordance with the current Media Policy.
 - c. All Public Records Requests will be responded to in accordance with the current CAPRA policy and procedure.