

Memorandum

Date : March 4, 2011

To : Associate Directors, Division of Adult Institutions
Wardens
Superintendents
Managers, Office of Internal Affairs

Subject: **ACCESS TO REPRESENTATION DURING THE ADVERSE ACTION PROCESS**

On July 22, 2002, the California Department of Corrections (CDCR) agreed to a stipulated judgment and permanent injunction, in San Bernardino County Superior Court relative to representation during interrogations for California Correctional Supervisors Organization (CCSO) members. That stipulated injunction does not mandate that all CCSO members be given five days notice prior to any interrogation. Effective immediately, any directives mandating all CCSO members be given five day notice prior to any interrogation is hereby rescinded.

Pursuant to the Department Operations Manual, Chapter 3 – Personnel, Training and Employee Relations, Article 14 – Internal Affairs Investigations, Section 31140.25 – Employee Representation Rights, states *“Employees are entitled to representation during investigative interviews consistent with MOU’s, Public Safety Officers Procedural Bill of Rights Act, and other State and federal laws. A personal advisor, attorney, or another state employee designated by the subject or witness may attend any interview that may lead to adverse action. Employees who are possible subjects or witnesses in the investigation are excluded as employee representatives.”* Generally, a minimum of 24 hours must be afforded to peace officers prior to an interrogation. If the subject requests representation and a representative is not available, the CDCR may provide additional time for the employee to secure representation. CCSO members (like all other supervisors and managers, whether members of employee organizations or not) are to be allowed reasonable access to interrogation representation as afforded to all bargaining unit employees.

If you have any questions, please contact David Grant, Assistant Secretary, Office of Internal Affairs, at (916) 255-0860.



SCOTT KERNAN
Undersecretary, Operations

cc: Lee Seale
Ben Rice
Brigid Hanson
David Grant
Terri McDonald
George J. Giurbino
Stephanie Clauss
John Day