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SPECIAL DIRECTIVE 04-05

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: CURT LIVESAY *CV*
Chief Deputy District Attorney

SUBJECT: POLITICAL ACTIVITY BY DISTRICT ATTORNEY PERSONNEL

DATE: OCTOBER 15, 2004

THIS SPECIAL DIRECTIVE IS AN UPDATE OF SPECIAL DIRECTIVE 03-05. THE CONTACT PERSONS FOR FEDERALLY FUNDED GRANTS AND PROGRAMS HAVE BEEN UPDATED. THE POLICY REMAINS THE SAME.

In anticipation of the upcoming election season, this Special Directive restates longstanding office policy concerning political activity by District Attorney personnel. It has been the practice of this office to advise all District Attorney personnel of office policy and the law governing their participation in political activity. This includes employees who choose to run for public office, participate in political campaigns or endorse candidates for public office.

In addition to the information contained in this Special Directive, employees are expected to be familiar with and abide by office policy as set forth in the Department's Personnel Policies Handbook (PPH), section 15.00.00, et seq., and the Legal Policies Manual (LPM), Chapter 5, Section X.D. Candidates for elective office and personnel actively involved in campaigns for elective office are also advised to consult a qualified attorney to ensure that their activities comply with all applicable laws.

Candidates for Elective Office and Participants in Political Campaigns

Subject to applicable policies, rules and laws, District Attorney personnel may run for elective office and participate in political campaigns. There are some important exceptions, however, such as the Hatch Act described below. As candidates, District Attorney personnel, particularly deputy district attorneys and peace officers, must be mindful of the provisions of Government Code Sections 1126 and 1128 (Incompatible Public Offices). The Chief Deputy District Attorney must be notified in writing whenever an employee applies for, files for, is elected to, or is appointed to another public office (LPM, Chap. 5, Section X.D.3).

District Attorney personnel who participate in political campaigns may be required to adhere to rules and policies not required of other elected or appointed officials. For

example, District Attorney employees involved in political campaigns who make a statement of political endorsement must never directly state or imply that it is made on behalf of the District Attorney or District Attorney's Office. Also, when identified as a District Attorney employee during political activities and/or outside activities, employees must clearly indicate that they are speaking or writing in their individual capacities and not on behalf of the District Attorney or the District Attorney's Office. Since the public properly expects a high standard of conduct from District Attorney employees, those engaging in political activities should be keenly aware of their responsibility to avoid compromising, embarrassing or discrediting the District Attorney's Office.

District Attorney personnel cannot use departmental time, resources and/or authority for political campaign purposes. Pursuant to County Code section 5.44.050, outside paid employment on campaigns must not exceed 24 hours per week. For attorneys, applicable State Bar Rules of Professional Conduct must be observed. Political activity and/or outside employment must not result in conflicts of interest or duty with the Office of the District Attorney.

Hatch Act (Title 5 USC, Sections 1501-1508)

The Hatch Act applies to District Attorney employees who are assigned to programs financed in whole or in part by loans or grants made by the United States or a federal agency. The restrictions imposed by the act are in addition to, not in derogation of, the limitations otherwise described in this directive. A list of District Attorney programs currently receiving federal funds is attached. Because these programs change from time to time, personnel assigned to outside funded programs should inquire to determine whether their program is federally funded.

Employees covered by the Hatch Act may not:

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- be candidates for public office in a partisan election,
 - use official authority or influence to interfere with or affect the results of an election or nomination,
 - directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

Employees covered by the Hatch Act may:

- run for public office in nonpartisan elections,
- campaign for and hold office in political clubs and organizations,
- actively campaign for candidates for public office in partisan and nonpartisan elections,
- contribute money to political organizations and attend political fundraising functions.

The U.S. Office of Special Counsel (OSC) investigates and prosecutes violations of the Hatch Act. The OSC Hatch Act Unit also provides advisory opinions to covered

employees to enable them to determine whether their contemplated political activities are permitted under the Act. For further information about the Office of Special Counsel or the Hatch Act, please visit the OSC website at <http://www.osc.gov/>.

Violation of the Hatch Act can result in discharge of the offending employee and loss of the District Attorney's federal funds. Any District Attorney employee cross-designated as a federal officer, such as Assistant U.S. Attorney, is also covered by the Hatch Act. Employees considering participation in a political campaign should consult their supervisor as to their unit's federal funding status.

Political Endorsements

Subject to all applicable rules, policies and laws, such as the Hatch Act, District Attorney employees may use their name, title and position in a political endorsement if it is accompanied by an effective disclaimer of District Attorney or official endorsement or support, e.g., "No official or District Attorney endorsement implied. Official title included for identification purposes only." However, simply being listed or identified as "Prosecutor" or "Deputy District Attorney" or "Investigator" without identifying the District Attorney's Office and/or Los Angeles County requires no disclaimer.

Employees Participating in the District Attorney's Legislative Program

When proposed or pending legislation concerns law enforcement or is of interest to the District Attorney's Office, District Attorney personnel may participate in the legislative process and identify themselves by official title. Participation that includes the use of District Attorney stationery and other indicia of official sponsorship, support, or opposition may also be permitted if coordinated through the District Attorney's legislative advocate (see GOM 03-55).

Summary of Departmental Policies Concerning Political Activity

Listed below is a summary of key departmental policies concerning political activity. These policies have been published over the years in the department's Personnel Policies Handbook, 1994 and 2003 editions, General Office Memoranda 03/15/76, 09/07/79, 88-46, 94-18, 96-04, 98-76 and 00-82, and Special Directive 93-06. They specifically prohibit District Attorney personnel from engaging in the following political activities:

- Participating in political activity while on duty.
- Using county resources, such as telephones, fax machines, copying machines, computers, county mail or messenger, vehicles, business cards, stationery, postage, etc., for political purposes.
- Soliciting campaign contributions from Los Angeles County District Attorney employees or other Los Angeles County employees unless the solicitation is in full compliance with Government Code Section 3205(c).

- Preparing or disseminating political campaign information while on duty or using county resources.
- Placing or attaching any political poster, sticker, sign or similar material on Los Angeles County property. This includes walls, windows, vehicles, desks, and all county owned real and personal property.
- Wearing or displaying political campaign buttons, signs or similar material when meeting the public, including jurors.

For further information on this subject as it applies to prosecutors, please see the California District Attorneys Association publication: ***Professionalism: A Sourcebook of Ethics and Civil Liability Principles for Prosecutors***, Chapter XII, section V. Questions concerning political activity by District Attorney employees should be directed to your supervisor.

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Attachment

Federally Funded Grants and Programs for Fiscal Year 2004-05

1. **Clearinghouse Electronic Surveillance System (CHESS)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
2. **Community Oriented Multi-Agency Narcotics Enforcement Team (COMNET)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
3. **High Intensity Drug Trafficking Area (HIDTA)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
4. **Allied Lab Enforcement Response Team (ALERT)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
5. **Drug Endangered Children Task Force (DEC)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
6. **Narcotics Enforcement Surveillance Team (NEST)**
Contact Person: Scott Carbaugh, Head Deputy (213) 974-5907
7. **Asset Forfeiture**
Contact Person: Antony Myers, Deputy-in-Charge (213) 580-3249
8. **Community Law Enforcement and Recovery (CLEAR)**
Contact Person: Nancy Lidamore, Head Deputy (213) 974-3901
Lori Ann Fournier, Assistant Head Deputy (213) 974-3697
9. **Gang Injunction Program (Venice)**
Contact Person: Nancy Lidamore, Head Deputy (213) 974-3901
Lori Ann Fournier, Assistant Head Deputy (213) 974-3697
10. **Heightened Enforcement and Targeting (HEAT)**
Contact Person: Nancy Lidamore, Head Deputy (213) 974-3901
Lori Ann Fournier, Assistant Head Deputy (213) 974-3697

11. **Gang Violence Suppression Program (GVSP - Lennox, Lancaster)**
Contact Person: Nancy Lidamore, Head Deputy (213) 974-3901
Lori Ann Fournier, Assistant Head Deputy (213) 974-3697
12. **Welfare Fraud Prosecution Program**
Contact Person: James Cosper, Head Deputy (213) 974-8554
13. **Welfare Fraud Investigation Program**
Contact Person: Armando Fraga, Lieutenant (323) 881-5105
14. **Internal Welfare Fraud Program**
Contact Person: Dave Demerjian, Head Deputy (213) 893-0829
15. **Juvenile Offender Intervention Network (JOIN)**
Contact Person: Donna Wills, Head Deputy (909) 868-5467
16. **Abolish Chronic Truancy (ACT)**
Contact Person: Donna Wills, Head Deputy (909) 868-5467
Leslie Hanke, Deputy-in-Charge (323) 357-5357

- 17. Strategies Against Gang Environments (SAGE – Unincorporated Whittier and East LA)**
Contact Person: Donna Wills, Head Deputy (909) 868-5467
 - 18. Violence Against Women; Stalking and Threat Assessment Team (STAT)**
Contact Person: John Zajec, Head Deputy (213) 974-3950
 - 19. Elder Abuse Vertical Prosecution Program**
Contact Person: Elizabeth Ratinoff, Deputy-in-Charge (213) 580-3313
 - 20. Prosecution Enhancement Program (PEP - JAIBG)**
Contact Person: Susan Steinfeld, Special Assistant (213) 974-9870
 - 21. Special Projects Prosecutors (SPP - JAIBG)**
Contact Person: Susan Steinfeld, Special Assistant (213) 974-9870
 - 22. Community Gun Violence Prosecution Program**
Contact Person: Teresa Gomez, Special Assistant (213) 974-8692
 - 23. Project Safe Neighborhoods**
Contact Person: Abram Weisbrot, Special Assistant (213) 974-3703
 - 24. Victim Witness Assistance Program**
Contact Person: Kathryn Showers, Program Director (626) 927-2525
 - 25. Special Emphasis Victim Assistance Program**
Contact Person: Kathryn Showers, Program Director (626) 927-2525
 - 26. Elder Abuse Victim Advocacy**
Contact Person: Kathryn Showers, Program Director (626) 927-2525
 - 27. Urban High-Crime Victim Assistance Program**
Contact Person: Kathryn Showers, Program Director (626) 927-2525
 - 28. State Board of Control – Victim of Crime Claims Verification Unit**
Contact Person: Kathryn Showers, Program Director (626) 927-2525
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