

**SECTION: ENVIRONMENTAL HEALTH**

**POLICY #: 501 CASE PREPERATION**

**POLICY:** In the event of a court appearance or being deposed, it is imperative that employees are properly prepared. The following criteria shall always be followed when conducting investigations of complaints or performing inspections.

**PROCEDURE:**

1. Ensure that you are familiar with the statute and rules under which you are proceeding.
  - a. Carry proper identification.
  - b. Be aware of right of entry authority.
  - c. Check notice requirements.
2. Familiarize yourself with the site/facility and the owner/operator.
  - a. Exact location.
  - b. Responsible party under the law, rule or permit.
  - c. Notify owner or operator if applicable.
3. Review permit, application or file.
  - a. Clear review of standard.
  - b. Last Inspection.
  - c. Unique Circumstances.
  - d. Elements under review.
4. Equipment for inspection.
  - a. Forms where required.
  - b. Camera.
  - c. Sampling equipment.
  - d. Safety equipment.
  - e. Map.
  - f. Watch, binoculars, tape measure.
  - g. Tape recorder when required.
5. Meet quality assurance requirements.
  - a. Chain of custody.
  - b. Avoid potential for cross-contamination.
  - c. Record and label as soon as possible.
  - d. Complete inspection reports as soon as possible.
  - e. Date and sign documents.
6. The inspection report.
  - a. Attempt to separate physical facts from inferences and opinions.
  - b. Complete as soon as possible.

- c. Keep required supporting documents.
  - d. Open records requirement.
  - e. Inspection report is not a place for non-professionally based inferences or opinions.
  - f. Difference between physical observation and inference.
  - g. Where possible utilize more than one inspector.
  - h. Note photograph position.
  - i. Date, label, describe, and sign all documents.
7. Steps beyond inspection.
- a. Administrative
    - Resolution on site (document)
    - Warning letter
    - Notice of violation
    - Hearing notice
      1. Notify the Environmental Health Director and Unit Administrator who will in turn inform the CVHD Board of Health
    - Abatement of nuisance
    - Show cause order
    - Administrative complaint
    - Emergency order
  - b. Judicial
    - Refer to attorney
    - Complaint
    - Consent agreement
    - Negotiation
    - Trial
8. Trial preparation.
- a. Establish expertise (resume).
  - b. Review file.
  - c. Anticipate problems.
  - d. Subpoena (duces tecum).
9. Expertise.
- a. Education.
  - b. Experience.
  - c. Job description.
  - d. Continuing education.
10. Trial concerns.
- a. Familiarity with file.
  - b. Clear and concise.
  - c. Appearance.
  - d. Avoid conflict of interest.
  - e. Factual observation, review and inference.