

Protocol for the Referral of Allegations of Criminal Misconduct by Law Enforcement Personnel to the Los Angeles County District Attorney

California law requires that “Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of those departments or agencies, and shall make a written description of the procedure available to the public.” Penal Code Section 832.5 (a).

Although law enforcement agencies have the primary responsibility to investigate allegations of misconduct, it is the policy of the Los Angeles County District Attorney’s Office and the Los Angeles County Police Chiefs Association that all allegations of criminal misconduct by law enforcement personnel, where probable cause exists to believe that a crime has been committed and the person who has committed it is a peace officer, shall be referred to the Los Angeles County District Attorney’s Office for review and consideration of filing of criminal charges. This policy is applicable to all suspected criminal conduct, whether felony or misdemeanor, and whether the member of the law enforcement agency was on-duty, sworn or non-sworn.

Procedure

To ensure consistent, professional and appropriate review, the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney’s Office has been assigned the responsibility of reviewing all allegations of criminal misconduct. Therefore, the following procedure has been established.

- In all cases involving serious injury as a result of action by a peace officer, JSID shall be contacted **immediately**. Upon notification, a JSID prosecutor will be assigned to assist or advise in the investigation.
- When an investigation has determined that there is probable cause to believe that criminal conduct has occurred, the matter shall be presented to JSID as soon as possible.
- All investigative reports relative to such allegations shall be provided to JSID as soon as the investigation is completed.
- JSID will review all matters in a timely manner and except in unusual circumstances or where further investigation is required, inform the law enforcement agency of any filing decision within 60 days of the receipt of the completed investigative package.
- Whenever a law enforcement employee is suspected of committing a felony or misdemeanor while off-duty, the agency with jurisdiction to investigate shall notify JSID.

Felony Cases

JSID shall prosecute all cases filed as felonies except when, in the opinion of the Head Deputy of JSID, the case would be more appropriately handled by another specialized division of the District Attorney's Office.

Misdemeanor Cases

Misdemeanor cases may be filed and prosecuted by JSID, the appropriate city prosecutor, or referred by JSID to a District Attorney branch or area office.

Occasionally JSID refers matters to a city prosecutor's office for consideration of misdemeanor charges. City prosecutor's offices are not listed in Penal Code Section 832.7 as entities entitled to obtain a peace officer's personnel file. Accordingly, any information from the peace officer's personnel file as defined in Penal Code Section 832.5 shall not be provided to the city prosecutor upon a referral from the District Attorney's Office.