

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 2

February 9, 2007

SUBJECT: OFFICE OF THE CITY ATTORNEY REVIEW OF FILINGS REJECTED BY LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

PURPOSE: This Order advises personnel of the Office of the City Attorney's (CA) policy regarding the review of cases that were presented to the Los Angeles County District Attorney's Office (DA) for filing and subsequently rejected. In addition, this Order establishes a procedure to follow, once the Complaint Appeals Procedure outlined in the Detective Operations Manual, Volume II, Section 1500.80, has been exhausted.

OFFICE OF THE CITY ATTORNEY'S POLICY: The CA has adopted the following policy to review cases rejected by the DA:

"As a matter of Criminal and Special Litigation Branch policy, should the District Attorney's Office reject an LAPD case for filing as a felony (or misdemeanor), we will, at the request of the LAPD Investigating Officer or Supervisor, review the case for possible misdemeanor filing by our Office.

If the reviewing Deputy believes that there is sufficient evidence to prove misdemeanor charges beyond a reasonable doubt, and the filing would be in accordance with applicable Office guidelines, the Deputy may file the case, notwithstanding the District Attorney's Office prior rejection of the case for filing.

Alternatively, if the reviewing Deputy believes that the case is not currently fileable, but may be with some additional investigation, the Deputy may advise the Investigating Officer or Supervisor of the additional evidence needed before our Office would be in a position to file the case. It then becomes the decision of the LAPD, whether to invest the necessary time and effort in the case in an attempt to develop the needed additional evidence."

PROCEDURE: After the investigating entity has exhausted the procedures outlined in the Detective Operations Manual, Volume II, Section 1500.80 for a criminal case rejected by the DA or it is determined the outlined procedures would not

alter the DA's disposition, the following procedure shall be implemented:

- * Determine if the case is within the policy established by the CA;
- * Present the case for misdemeanor filing consideration to the Criminal and Special Litigation Branch of the CA; and,
- * Document the case presentation, any subsequent follow-up, and disposition in the case file on a Follow-Up Investigation, Form 03.14.00.

Questions regarding this Order may be directed to the Investigative Analysis Section, Detective Bureau, at (213) 485-2676.

EARL C. PAYSINGER, Assistant Chief
Director, Office of Operations

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