

2014-2015 GRAND JURY REPORT

Riverside County District Attorney's Office

Background

The Riverside County District Attorneys (DA's) Office is comprised of more than 700 attorneys and support staff. The office serves the County's 2.2 million residents and covers over 7,200 square miles. The office is a critical component of County Government and performs a vital function to the community, law enforcement, and needy children and families. It prosecutes all felony and misdemeanor crimes committed in the County. Each year the DA's office files more than 40,000 criminal cases and is one of the largest in the State of California. The DA's office primary functions are to:

- Protect the public
- Provide ethical prosecution
- Safeguard the rights of victims and witnesses

The office is staffed by the recently elected District Attorney (DA), Assistant District Attorney (ADA), Chief Deputy District Attorneys (CDDA), Supervising Deputy District Attorneys (SDDA), and Deputy District Attorneys (DDA).

There are three divisions within the DA's office: Western, Southwest and Eastern. Each division is supported by a staff of DDAs, investigators, victim witness advocates, technicians, and clerical staff. In addition to the three divisions, the DA's office also has a Bureau of Investigation. The Bureau is comprised of sworn investigators, investigative technicians, and forensic technicians. They investigate and collect evidence in civil and criminal matters, as well as arrest criminal violators and serve subpoenas and search warrants.

Since certain crimes require specific prosecution skills, the DA's office is organized into 10 sections. They include:

- Homicide
- Child Recovery
- Gangs
- Juvenile
- Sexual Assault
- Misdemeanors
- Domestic Violence
- Special Prosecutions
- Drug Enforcement
- Other Major Crimes

Methodology

During the course of this investigation, the Grand Jury obtained information from the following:

- Interviewed four complainants
- Interviewed the District Attorney
- Interviewed a Chief Deputy District Attorney
- Interviewed the Assistant Chief Investigator of the Riverside District Attorney's office
- Reviewed Riverside County District Attorney Policies and Procedures Manual for Prosecutors
- Reviewed California State Penal Code §832.5 Citizens' complaints against personnel

Findings

1. The DA's office is subject to criticism and complaints from citizens for various reasons. Those reasons include, but are not limited to, unreasonable prosecution, use of questionable investigative techniques, and refusal to prosecute.

The DA's office fails to follow its policies and procedures regarding citizen complaints against DDAs. The Personnel Policies and Procedures Section IX (E) General Complaint Procedure states:

Complaints about DDAs from the general public, private attorneys or others are usually received by the receptionists.

If, during the initial contact, the receptionist can quickly and accurately answer the complainant, she may. However, most complaints should be referred to the appropriate SDDA.

It is each supervisor's/manager's responsibility to research and respond to the complaining party within 48 hours.

If, during the complaint research, a supervisor determines that an in-depth administrative or criminal investigation is required, the supervisor will:

1. *Ask the complaining person to complete Form IX-O, describing what took place (back of Form IX-O)*
2. *Document the findings and/or concerns*
3. *Present the reports to the CDDA or the ADA*

The CDDA or the ADA will decide whether or not to proceed with a formal investigation (criminal or administrative) and will also decide who should conduct the investigation (i.e. internal or external).

Interviews have produced both sworn and unsworn statements advising that complainants have not received any responses from the DA's office, acknowledging receipt of their complaints, nor is a registry of complaints maintained.

2. The Policies and Procedures Manual for Prosecutors was last updated in June 2003. Prior Riverside County Grand Juries have been advised that updates are in the process of revision. To date this revision has yet to be produced.

Recommendations

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1. The DA's office shall acknowledge and respond to citizen complaints in writing within 48 hours, as stated in its Policies and Procedures Manual for Prosecutors.

The DA's office shall rewrite Section IX (E) to state:

If, during the initial contact, the receptionist can quickly and accurately answer the complainant, she may do so and follow-up with a letter of acknowledgement within 48 hours. However, most complaints should be referred to the appropriate SDDA.

The DA's office shall establish a clearly defined complaint policy and monitor possible negative trends, to include a registry of citizen complaints against DDAs.

2. The DA's office shall update its policies and procedures manual to reflect current practices and provide a copy to the Grand Jury.

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