



MICHAEL A. HESTRIN
DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
3960 ORANGE STREET
RIVERSIDE, CALIFORNIA 92501-3643

July 15, 2015

The Honorable Harold W. Hopp
Presiding Judge
Superior Court of California
County of Riverside
4050 Main Street
Riverside, CA 92501

RE: Response to 2014-2015 Grand Jury Report: Riverside County District Attorney's Office

Dear Judge Hopp:

Pursuant to California Penal Code section 933.05, this letter is in response to the findings and recommendations of the above-entitled Grand Jury Report. The current administration of the District Attorney's Office concurs with the Grand Jury's findings and will forward the recommendations to our new Policy Committee for immediate review and consideration, as we diligently work to update and implement our citizen complaint policy.

Response to Findings

The Grand Jury made the following 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 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 sworn and unsworn statements advising the 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 advised that updates are in the process of revision. To date this revision has yet to be produced.

The core mission of the District Attorney's Office is to promote public safety by delivering quality prosecution services to the citizens of Riverside County. When I was sworn in as the District Attorney in January of 2015, I publicly pledged that my administration would not only identify and acknowledge office shortcomings, but would work in earnest to rebuild, to innovate, and to implement continuous internal improvements in an effort to achieve the highest levels of public safety in service to our community. To that end, I immediately formed a Policy Review Committee to begin the painstaking process of reviewing and updating the outdated Policies and Procedures Manual, last revised two administrations ago in 2003.

Our Policy Review Committee was tasked with immediately remodeling our Mission Statement, expeditiously identifying and prioritizing all problem areas, drafting policy updates and/or revisions, and offering best-practices solutions. In its first six months, the Committee has identified and addressed the most critical areas for needed improvement. Having reviewed several proposed policy updates to date, I have finalized and approved our new Mission Statement and implemented numerous revisions to our existing Office Policy and Procedures Manual. This work continues and will not end until completed.

The District Attorney's Office mission is one of service to the community, and part of that service includes being receptive and responsive to complaints from those we serve. As such, I concur with both findings and commend the Grand Jury for identifying how we may better fulfill our obligations and responsibilities to the community.

Response to Grand Jury Recommendations

The Grand Jury made the following two recommendations:

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.

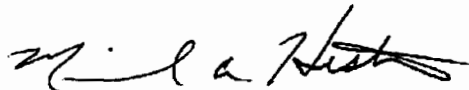
2. The DA's office shall update its policies and procedures manual to reflect current practices and provide a copy to the Grand Jury.

I concur in the Grand Jury's recommendations to update the Policies and Procedures Manual, including the establishment of a clearly defined complaint policy, a 48-hour written response period, and a method to track and monitor citizen complaints. As previously discussed, our Policy Review Committee has already been working diligently to complete a comprehensive countywide office policy review in order to identify best practices and to cull outdated, inefficient or incomplete written policies and procedures. I will forward your thoughtful recommendations regarding the citizen complaint policy to the Committee for immediate consideration, as we continue our work to ascertain best practice solutions in order to implement needed revisions to our citizen complaint processes and procedures. I will likewise ensure that the Grand Jury receives a copy of the updated Policy and Procedures Manual when finalized.

I appreciate the Grand Jury's attention to this matter and its efforts to improve the operation of local government. Thank you for your service to our community.

If you have any questions or concerns, you may contact our office at (951) 955-5400.

Very truly yours,



MICHAEL A. HESTRIN
District Attorney

cc: Riverside County Grand Jury
Riverside County Clerk-Recorder