

Chapter 4 - Miscellaneous

CHAPTER 4 – MISCELLANEOUS

2005-11	VICTIMS REFUSAL TO PROSECUTE
2005-18	RESCINDED
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2011-1	WIRELESS COMMUNICATIONS DEVICE INSIDE OF A CORRECTIONAL FACILITY
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2016-1	MOBILE FIELD INTERVIEW REPORT (M-FIR)

• 2005 - 11 VICTIMS REFUSAL TO PROSECUTE

PURPOSE OF ORDER

The purpose of this order is to establish a Bureau-wide policy and a standard form for use with dispositioning cases wherein a victim refuses to cooperate with the prosecution of a suspect.

SCOPE OF ORDER

Bureau detectives responsible for investigating and filing cases.

ORDER

Despite investigative efforts, victims on occasion will refuse to prosecute the known suspects of a criminal case. Detectives who encounter a victim who refuses to prosecute a known suspect or refuses to identify a suspect, will complete a "Victim's Refusal to Prosecute" form.

Detectives shall provide the victim the form. If the victim refuses to sign the form, the detective shall indicate so on the signature line. A sergeant will then co-sign (witness) the form with the detective.

In either case, detectives shall submit the cases to the local filing District Attorney for filing consideration, or obtain a "D.A. Reject" on all refusals to prosecute.

The original form will be kept in the case file and the detective shall retain a copy in his/her investigative file.

Area lieutenants will periodically audit cases wherein the victim refused to prosecute in order to ensure compliance with this directive.

• 2011 - 1 WIRELESS COMMUNICATIONS DEVICE INSIDE OF A CORRECTIONAL FACILITY

PURPOSE OF ORDER

To establish guidelines for all Bureau personnel, regarding the use of cellular phones in a correctional facility (station jail, county jail, or court lock-up).

SCOPE OF ORDER

All Bureau personnel.

ORDER

Possession of a wireless communication device, including but not limited to, a cellular telephone, voice over internet protocol (VoIP) phone, or wireless internet device, in a secured area is prohibited per Penal Code 4575 (a) PC.

Any person entering a correctional facility shall be prohibited from having any unauthorized items in their possession per Custody Division Manual, Sections 3-01.090.00, Security of Personal Property.

Any deviation from this unit directive shall be with the prior approval of the respective Assistant Sheriff.

• 2016 - 1 MOBILE FIELD INTERVIEW REPORT (FIR)

PURPOSE OF ORDER

The purpose of this order is to establish de-confliction and sharing of criminal intelligence amongst units within the Department regarding the use and printing of mobile generated Field Interview Reports (FIRs). This will include the sharing of FIRs with outside law enforcement agencies.

SCOPE OF ORDER

All sworn Bureau personnel.

ORDER

The advancement of the Mobile FIR allows Department members to author FIRs electronically by utilizing their Department issued smart phones, Department desktops, and Mobile Digital Computer. The electronic FIR is then evaluated and approved by a supervisor or his designee, for criminal intelligence entry. Only an evaluated and approved FIR will go through the virtual gatekeeper for entry into the CalGang System. The electronic FIR will be an electronic "source document", which may replace the paper FIR cards and will be admissible in court.

When investigators require the source document (FIR), they shall request a printed version from the FIR's authoring station (Bureau team, station detective supervisor when no OSS team is assigned, or OSJ for all custody facilities). Sergeants and lieutenants with valid FIR accounts, as well as the CalGang Help Desk administrators, are the only personnel authorized to print from the FIR system.

With the approval of the FIR's authoring station supervisor, a printed FIR (source document) can be produced. The request and approval for a printed FIR should be submitted via email to ensure a chain of custody/approval from the FIR's authoring station. This is extremely important for both de-confliction of ongoing investigations, as well as it guarantees the sharing of criminal intelligence amongst law enforcement.
