

4-11 Letters of Consideration

MAJOR CRIMES BUREAU

DETECTIVE DIVISION

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Bureau Order Number: **4-11**

Subject: **LETTERS of CONSIDERATION**

Effective Date:	04-02-2001	Last Date Revised:	03-01-2020
Last Date Reviewed:	09-09-2021	Next Review Date:	09-09-2022

PURPOSE

The purpose of this order is to establish policy and procedures for a "letter of consideration". This policy is designed to assist Bureau personnel by providing guidelines in the preparation of the letters. Refer to Manual of Policy and Procedures section 3-01/110.7 (rev. 04-22-16) for details not covered in this order.

GUIDELINES

Whenever a Bureau member determines a defendant has materially assisted the Department in any criminal investigation, the concerned investigator, with prior approval, may prepare a letter for signature from the investigator's unit commander to the local Supervising City Attorney, Supervising District Attorney, or federal prosecutor if the case is pending in court, requesting that the defendant's action be taken into special penalty consideration.

Whenever a Bureau member determines an inmate or prisoner has materially assisted the Department in any criminal investigation, that investigator, with prior approval, may prepare a letter for signature from the investigator's unit commander to the sheriff of the county where the inmate is being housed, or to the warden of the Department of Corrections' facility where the prisoner is serving a sentence, or to the State Parole Board if the prisoner is scheduled to appear at a parole hearing.

- All sworn Bureau personnel will be held accountable for strict adherence to this policy whenever a "letter of consideration" is prepared.

- Team sergeants will ensure that all personnel under their direction have been thoroughly trained on all aspects of this policy.

LETTERS

ALL letters presented to the Unit Commander for approval will contain the following information and be e-mailed to the Captain's Secretary:

- Reason for the inmate's arrest or prisoner's conviction so that recipient of the letter knows the magnitude of the crime;
- Information provided or action taken by the defendant, inmate, or prisoner which assisted the investigation;
- What action the investigator took as a result of the information provided by the defendant, inmate, or prisoner and the results of the investigator's actions;
- What the investigator is seeking, i.e., special penalty consideration such as no jail, a specific jail or prison term, probation, the minimum sentence allowed by law, special conditions of confinement, or release on parole.

CONSIDERATION PACKAGE

At a minimum, the consideration package shall contain the following information and be emailed to the Captain's Secretary:

- The name and address of the concerned local office of the City Attorney, District Attorney, United States Attorney, correctional facility, or parole board;
- The name and rank of the concerned supervising prosecutor;
- The position of the concerned local prosecutorial office, probation, parole, and/or policing agency in regard to the proposed recommendations;
- The case numbers and all pending charges and prior convictions against the defendant, inmate, or prisoner for whom the letter is to be written;
- The specific consideration the investigator seeks to recommend;
- The next court date, parole hearing date, or other relevant hearing date;
- Whether the defendant, inmate, or prisoner has any history of violence in or out of custody with an explanation of the violence;
- Identification of the investigating agency/unit making the request;
- Identification of any other agencies that have an interest in the defendant, inmate, or prisoner; and if so, the names of those officers/deputies/prosecutors contacted and a statement as to whether they approve of the consideration request;
- Whether the defendant is continuing to assist the Department in its current investigative efforts;
- Appropriate supervisory notation and approval (e.g. detective supervisor or watch commander); and

- A thorough description of the results of the information provided by the defendant to the investigator (e.g., number of warrants served, number of arrests made, property seized, etc.).
- Current RAPS, CCHRS, and DMV printouts;
- The original arrest reports documenting the defendant's, inmates, or prisoner's current charges;
- Reports or memoranda that document the results of the defendant's, inmates, or prisoner's information/assistance (e.g., search warrants served, arrest reports etc.);
- A draft of a letter of request for the unit commander's signature;
- Any other appropriate and useful information.

CONSIDERATION PACKAGE DISTRIBUTION

The consideration package shall be submitted to the unit commander who will review the appropriateness of the request and then forward the package to the concerned area commander who, after review, will submit the package to the Detective Division Chief for approval.

Upon receipt of the package, the Detective Division Chief shall review the special consideration request and all supporting documentation, and determine the appropriateness of the Unit Commander's recommendation. A request for a Letter of Consideration shall be predicated on assistance to the Department, rather than on personal or other interaction between the individual and the Department employee which is not tied to a current criminal investigation. Any request for a Letter of Consideration based merely on favorable contacts with a defendant, inmate, or prisoner who has not materially assisted the Department in a specific criminal investigation, shall not be approved.

If the recommendation is approved by the division chief, the consideration package will be returned to the originating unit, and the letter will be prepared for the unit commander's signature.

Letters of Consideration must, in addition to the above approval procedures, also be routed to and approved by the Sheriff if opposed by any other agency, entity, or department.
