

36645

APPENDIX A

**OPERATIONAL AGREEMENT BETWEEN
THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE AND
THE CITY OF LONG BEACH**

I. SCOPE OF AGREEMENT

Use of eCER under Appendix A shall be limited to cases originating from the Long Beach Fire Department (Fire) and submitted for charge evaluation to the District Attorney's Charge Evaluation Division (CED) and all Special Divisions.

Appendix A shall apply to in-custody filings, bonds, cites, and warrants.

II. EFFECTIVE DATE

Appendix A shall be effective June 1, 2023 and shall remain in effect until either party terminates the Operational Agreement.

Appendix A does not supersede other Appendices.

III. AMENDMENTS

Any modifications to this Appendix shall be made in writing and by mutual agreement of the parties.

IV. TRAINING

The District Attorney's Office will coordinate with Fire staff and Investigating Officers (IO) to ensure that participants receive the necessary initial in-person training for the use of eCER. Thereafter, Fire shall be responsible for training any additional personnel on the use of eCER.

V. PROCEDURES

IOs submitting any case through eCER shall be available for consultation with the Filing Deputy by telephone during the entire charge evaluation process.

Upon request of the Filing Deputy, IOs submitting cases through eCER shall be present at the District Attorney's Office during the charge evaluation process. Filing Deputies shall notify the IO via telephone that the IO shall be present for the charge evaluation process, allowing sufficient time for the IO to travel to the District Attorney's Office and complete the process within the timeframe established by the Superior Court.

The IO must be present at the time of the charge evaluation process for the following criminal offenses submitted electronically via the eCER portal, unless the Filing Deputy indicates otherwise:

- Murder and Manslaughter
- Stalking or cases related to Stalking
- Sexual Assault or cases involving the threat of Sexual Assault
- Domestic Violence or cases related to Domestic Violence²
- Child Abuse, cases involving the threat of Child Abuse, and cases related to Child Abuse³
- Child Abduction, cases involving the threat of Child Abduction, and cases related to Child Abduction
- Elder and Dependent Adult Physical Abuse, cases involving the threat of Elder Abuse, and cases related to Elder Abuse
- Any Significant Case⁴ or case attracting significant media attention
- Cases involving 4 or more defendants
- Cases involving 4 or more distinct incidents or crime locations
- Cases involving Complex Fraud

Although a case may be eligible for charge evaluation through eCER, an IO may choose to bring the case to the District Attorney's Office for an in-person charge evaluation.

If the eCER portal is unavailable during the submission process, submission of a case for review shall be accomplished in the pre-eCER manner.

All cases submitted through eCER shall contain the following, where applicable:

Documents

- a. Crime Report
- b. Supplemental Reports
- c. Arrest Report
- d. Probable Cause Determination (PCD), if applicable
- e. Property Report
- f. Booking Slip
- g. CHP 180
- h. Lab Reports
- i. Written Statements by the victim, witnesses, and/or suspects

² Domestic Violence includes any felony or alternative felony/misdemeanor charge involving the threat or use of physical force in which the suspect and victim are current or former cohabitants, dating partners, or parents of a child in common, or in which the suspect and victim are relatives who normally reside in the same household.

³ Child Abuse includes any felony or alternative felony/misdemeanor charge in which a child is a victim regardless of the child's relationship to the perpetrator(s).

⁴ A Significant Case is any crime, felony or misdemeanor, of significant public interest.

- j. Photographs of the crime scene, evidence, injuries, suspects, victims, and/or witnesses
- k. Expert Reports
- l. Criminal History, including, but not limited to CII, DMV, JAI, CCHRS and FBI, if available, for all suspects
- m. Related and/or prior Crime Reports
- n. All Priors and Predicates that are required to support the charges and/or conduct allegations

Required Information

- o. Name, date of birth, CII number, and gender for all suspects
- p. Name, date of birth, CII number (if available), and available contact information for all witnesses and victims, including guardian [legal representative] information if the witness or victim is a minor
- q. Agency Report Number or Citation Number
- r. Booking Number, if applicable
- s. Appearance Date
- t. The evidence.com Case ID, if applicable
- u. Notation of the existence of any other evidence not submitted through eCER or evidence.com (i.e., dashboard camera or body-worn camera video depicting the crime or events associated with the crime report, other dashboard camera or body-worn camera video, security footage, surveillance or other video footage, 911 calls, taped interviews or witness statements)
- v. Name, serial number, work cell phone number, and email of IO
- w. Name, serial number, work cell phone number, and email of Filing Officer, if different from IO
- x. Name and serial number of each law enforcement personnel
- y. Contact information for SDT purposes.

The IO is responsible for redacting all financial information (including, but not limited to, any personal identifying information), minors' full names, the names of victims who seek to maintain confidentiality pursuant to Penal Code section 293.5 (victims of sex crimes, hate crimes, domestic violence, and stalking), the full names and addresses of victims who might be subjected to threats or intimidation, and any other information the IO feels should be redacted. These redacted documents shall contain the word "redacted" in the file name and the IO must inform the filing deputy specifically what has been redacted. The IO must submit the original, unredacted documents via the eCER portal *as well as* the fully redacted versions of the documents at the time of filing.

eCER will notify the IO by email that the case has been reviewed and either filed, declined, or declined for further investigation.

VI. FILING DEADLINES

All in-custody filings submitted through eCER must be transmitted to the District Attorney's Office by 9:00 a.m. the day the suspect is due in court.

When an in-custody case has been filed with the Los Angeles District, the IO or Liaison shall print and prepare the necessary filing packets at Fire. The IO, or the IO's designee, shall sign the complaint at the applicable District Attorney's Office prior to 11:00 a.m.

When an out-of-custody case is filed, the IO, or the IO's designee, shall bring to the District Attorney's Office at least three (3) copies of the filing packet. If the filing is for a warrant, four (4) copies of the filing packet should be provided, and one of the copies must be redacted. These filing packets must be brought to applicable District Attorney's Office at least two (2) weeks before the initial court date. For multiple defendant cases, the IO must bring an additional packet for each defendant. The IO, or the IO's designee, shall sign the complaint. The IO will be responsible for ensuring that all necessary redactions have been made in reports.

VII. DECLINATIONS

If an in-custody case has been declined, the IO shall receive a copy of the declination form by 1:00 p.m. Because all reports are stored in the PIMS system, there is no need to bring hard copies of the reports to the District Attorney's Office for declined cases.

If a case has been declined for further investigation, the IO shall receive a copy of the declination form and proceed accordingly. Deadlines for submission of the additional investigation will be stated in the Charge Evaluation Worksheet. Failure to comply with the stated lines may result in the case being declined.

If a case is declined for prosecution, and further investigation provides additional evidence that the IO believes warrants a re-examination of the declination, the IO shall contact the Filing Deputy and request the case be re-opened. The IO will then upload the additional investigation into the eCER and the case will be re-evaluated.

VIII. CONTINUING TECHNICAL SUPPORT AND TRAINING

After the initial training provided by the District Attorney's Office, Fire shall be responsible for training any additional personnel on the use of eCER. A step-by-step User's Guide for all law enforcement users is available on the eCER portal itself.

Fire shall designate a person to provide technical support to assist staff and IOs with the use of eCER. The designated technical support person shall be consulted, in the event that assistance is needed, before contacting the District Attorney's Office. Thereafter, Fire staff and IOs are to contact the District Attorney's Office through the Help Desk.

In addition, Fire shall be responsible for ensuring that only authorized, trained personnel are given access to eCER.

IX. CONTACTS

For purposes of Appendix A, the contacts shall be as follows:

District Attorney's Office – Charge Evaluation Division
Acting Head Deputy John Harlan II
jharlan@da.lacounty.gov
213-974-3841

District Attorney's Office – Charge Evaluation Division
Assistant Head Deputy Christopher Baker
ChrisBaker@da.lacounty.gov
213-974-3848

District Attorney's Office – eCER Coordinator
Margaret J. Moe
MMoe@da.lacounty.gov
213-974-0987

District Attorney's Office, Systems Division
Help Desk
Helpdesk@da.lacounty.gov
213-725-5340

Technical Lead
Richard Dai
rdai@da.lacounty.gov
562-403-6640

Long Beach Fire Department
Matthew Dobberpuhl
Captain, Long Beach Fire Department
Matthew.Dobberpuhl@longbeach.gov
562-570-2537

APPROVED AS TO FORM
JUNE 15, 2023
DAWN MCINTOSH, City Attorney
ARTURO D. SANCHEZ
DEPUTY CITY ATTORNEY

For Technical Issues:

District Attorney's Office

Systems Division, Application Manager
Brian Cosgrove
bcosgrove@da.lacounty.gov
213-344-2450

Long Beach Fire Department

Business Systems Specialist
John Balagtas
John.Balagtas@longbeach.gov
562-570-2941

WE, THE UNDERSIGNED, AGREE TO THE PROVISIONS AND INTENT OF THIS
OPERATIONAL AGREEMENT AND APPENDIX A.

Dated: 6-16-2023

Thomas Modica
Thomas Modica, City Manager
City of Long Beach

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

Dated: 06-07-23

Dennis Buchanan
Dennis Buchanan, Fire Chief
Long Beach Fire Department

Dated: 7-17-23

George Gascon
George Gascon
District Attorney
Los Angeles County
District Attorney's Office