

Butte County DA's Office Bureau of Investigation

POLICY 100

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This agency does not tolerate abuse of law enforcement authority.

100.2 DISTRICT ATTORNEY INVESTIGATOR - PEACE OFFICER POWERS

District Attorney Investigators are peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

(a) As to any public offense committed or which there is probable cause to believe has been committed within Butte County; or

(b) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.3 CONSTITUTIONAL REQUIREMENTS

All Butte County District Attorney Investigators shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

100.4 AUTHORITY OF DISTRICT ATTORNEY INVESTIGATORS

In addition to their statutory designation as peace officers, District Attorney Investigators derive their criminal investigative authority from the inherent authority of the District Attorney to investigate criminal activity and enforce the law. The District Attorney's investigative authority is the broadest of all local law enforcement agencies.

The District Attorney is the public prosecutor, vested with the power to conduct on behalf of the People of the State of California all prosecution for public offenses. Except for the power of the electorate to remove him or her, the District Attorney's performance of these functions is subject only to the supervision of the Attorney General. The discretionary power vested in the District Attorney to control the institution of criminal proceedings may not be controlled by the courts and it may not be conferred on another by the county board of supervisors.

The District Attorney is charged with the responsibility of assisting and advising the grand jury in its investigation of criminal matters and no individual, except the Attorney General, may institute criminal proceedings without the concurrence, approval, or authorization of the District Attorney. Investigation and the gathering of evidence relating to criminal offenses is a responsibility which is inseparable from the District Attorney's prosecutorial function, the District Attorney is charged with the duty of investigation as well as prosecuting criminal activity, and is so recognized by an unbroken line of California cases.