



Office of the City Prosecutor
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Subject: Case Action Plan (Officers D. Reyes, D. Salcedo)

Date: December 7, 2021

Yesterday we learned via multiple news stories that two LBPD officers were arrested for filing a false police report stemming from an incident in 2019. The officers were reportedly cleared by Internal Affairs in 2019 and then placed back on duty.

As a result of the news stories, we are going to implement the following Case Action Plan (Reyes, Salcedo). Since the officers have not been convicted of any wrongdoing and since every case is different, it is not yet clear how the arrests will affect our cases.

I. Inventory of Cases

At this point we have identified a large number of cases in which Reyes or Salcedo are involved to some extent. There are potentially 151 “active” cases and 725 “closed” cases, as described below.

In the case of Officer Reyes, we have 99 potentially “active” cases, which include cases active on calendar and cases where a warrant was issued by a judge, either because the defendant did not appear for the case or it was a filing warrant. We also have potentially 635 “closed” cases with Reyes, which may include some recent cases where the defendant is still on probation. Many of the closed cases appear to be 10+ years old.

In the case of Officer Salcedo, we have 52 potentially “active” cases, which include cases active on calendar and cases where a warrant was issued by a judge. We also have potentially 90 “closed” cases with Salcedo, which may include some cases where the defendant is still on probation.

We will continue to screen for cases that could involve either officer. The above numbers are not necessarily complete or accurate because we have not audited these cases against official court records. It is possible that some direct-file citations are not included because they were filed directly with the court, e.g., traffic-related citations.

II. Notice to Public Defender’s Office

All cases, whether active or closed, shall be provided to the Public Defender offices. They probably have the ability to search their cases for the officers like we do, but that is the best way to ensure they have notice of the cases that are potentially involved. [DPH emailed the lists to PD and APD on 12/14/2021]

III. Mail Notice to Defense Attorneys/Defendants

A Prosecutor Assistant will be assigned to look up each “active” case in TCIS to see if the person is represented by an attorney. If the person has an attorney, we will send written notice to the attorney. (If we do not know the attorney or the attorney’s firm, we will send to the attorney’s address as listed on the State Bar website.) If the defendant does not appear to have an attorney, notice will be sent to the last known address for the defendant, e.g., DMV address or address on citation paperwork.

IV. Post Cases on Website

All cases identified, whether active or closed, shall be posted on the City Prosecutor website. This is the best way to give broad notice to attorneys and defendants that their case may be impacted by the recent arrests.

V. Review of Cases

A. New Cases. Any case presented to our office which has not yet been acted on, e.g., cases not filed or rejected, shall be held pending review. A supervisor shall review the facts and circumstances critically to determine whether the case should be filed.

B. Active Cases. All active cases (any case already filed) shall be re-reviewed by a supervisor to determine if additional action is required. For example, if a case is set for trial and the testimony of Officer Reyes or Officer Salcedo is necessary to prove the elements of the offense, the case may need to be dismissed since there is no likelihood either officer will be available for trial. In all cases, the supervisor will review the facts and circumstances critically to determine if the case should be dismissed or other action taken, such as securing additional witness statements or further review of video or photographic evidence.

C. Review Upon Request. Attorneys or defendants in any case where either officer had a role may request a special review by a supervisor. This includes any closed case. If we are contacted by a defendant who has been represented by an attorney, we must require a written waiver from the attorney of record before responding to the person. After the review, our meeting request portal will be used to schedule a discussion, if requested.

VI. Policy Review Committee

A biweekly Case Action Plan Policy Review Committee will meet to discuss policy to ensure there is uniformity in the handling of cases and to distribute the workload. All policy is subject to change if, for example, we learn the details of the criminal cases against the officers or if they are tried and acquitted.

[END OF MEMORANDUM]