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COUNTY OF RIVERSIDE

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Over a year ago it was discovered that Sheriff Doyle had given badges to many private persons, including some of his campaign contributors. Penal Code section 538d, a misdemeanor, seemed to prohibit these actions. Then District Attorney Grover Trask reviewed the law in question and to ensure his interpretation was correct, he formally asked the Attorney General to render an advisory legal opinion.

That opinion has recently arrived and caused some discussion. Many reasons have been offered why the law prohibiting non sworn individuals from having badges should be *changed*. As a private citizen I agree with some of the suggestions and disagree with others. For example, I have recently proposed legislation, to be authored by State Senator Bob Dutton, that clears up ambiguities for correctional deputies and retired peace officers.

However, none of the reasons offered are sufficient to *ignore* the law. As the District Attorney, I am invested by my fellow citizens with the duty to enforce the law, not some of the law, and not the parts with which I or others agree, but all the laws. A District Attorney should never bow to pressure or threats by gangs, or individuals, when the law should be followed.

The law in question is found in Penal Code § 538d(c) and broadly states:

Any person who willfully wears, exhibits, or uses, or who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, *which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a police officer, is a guilty of a misdemeanor...*

The law specifically does not provide exceptions for badge collectors, security guards, or others. While some may prefer to carry a badge without the arduous law enforcement training or the routine exposure to injury, or even death, from criminals the law does not recognize those as appropriate exceptions.

The law does prohibit a badge for non sworn persons that "...resembles the authorized badge...of a peace officer...". The Attorney General states that badges in the shape of a shield, star, or both are the type likely to "...deceive an ordinary reasonable person into believing that it is authorized", and therefore are unlawful in the hands of a non sworn individual.

In reviewing the law with the police chiefs of Riverside County, and a representative of the Sheriff's Department, all agreed we have a duty to enforce this law that clearly prohibits non law enforcement individuals from having badges that would mislead the public. Steps have already been taken to recall any badges that may have been issued to non sworn personnel.

However, the law does not prohibit a private person from carrying a seal shaped differently than a shield or star. There are many alternatives that are legal which can provide sufficient identification and authority for non sworn government employees yet not mislead.

The purpose of the law is to prevent the deception of citizens when presented with badges. Citizens should be able to rely, when shown a badge, that the holder is a law enforcement officer. That reassurance, and or compliance, is critical for the safety of the officer and the citizen. Such confusion can have dire consequences should citizens began to doubt an officer's authority if false or misleading badges proliferate.

In darker moments some criminals have utilized this trust to take advantage of honest citizens with sometimes horrific results. The Hillside Strangler kidnapped, tortured, and murdered numerous women all under the guise of a uniform and badge. In smaller incidents, badges have been flashed at airport screeners or at officers investigating a crime. In those moments, some would try to take advantage of the appearance of authority.

I fully support the noble purpose of the law to prevent abuses and protect the public. Our community comes before all other lesser considerations. Restoring their confidence, especially in light of recent events, should be preeminent.

While the delayed enforcement of the law has caused some to react emotionally, my duty as District Attorney is clear. I learned long ago that the easiest path isn't always the right path. For me, the public rightfully expects me to choose the right path even when it is uncomfortable or difficult.

Integrity is nothing more than holding firm on principle, even though others have lost their way and emotions have taken them to a place that they may later regret. Integrity must be non negotiable and resolute. It must hold in sunny skies and stormy weather. If it doesn't hold it is not integrity, its convenience.