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## **Economy & Efficiency Commission Presentation**

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*Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.*

**PRESENTATIONS BY  
Hon. Steve Cooley  
District Attorney  
Los Angeles County**

**October 4, 2007**

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Chairman Ikejiri expressed his appreciation to Mr. Cooley for making the time to speak to the Commission.

Mr. Cooley distributed the District Attorney's biennial report and organization chart prior to his presentation and discussion of recent major accomplishments and issues.

### **Murderers Fleeing to Mexico**

Mr. Cooley began by discussing an issue of national and international interest, that of individuals committing murder in the United States and then fleeing to Mexico. A four-year battle led by the Los Angeles County District Attorney's Office exposed this major international injustice. His office is now working cooperatively with Mexican authorities in retrieving and returning people that fled the United States after committing serious crimes that carry potential life terms.

### **Forensics Sciences**

Mr. Cooley then addressed the area of forensics sciences. The current centerpiece of this activity is the regional Los Angeles Police Department/Los Angeles County Sheriff Crime Lab located at California State University – Los Angeles. The potential of Los Angeles County fully utilizing forensics sciences to achieve justice is now available. Even so, law enforcement demands vigilance to keep up with changes in the scientific world. It is interesting to note that California's DNA database now is the third largest DNA database in the world in terms of the number of profiles on file.

### **Crime Rates and the Criminal Justice System**

Mr. Cooley indicated that the murder rate in Los Angeles County is now as low as it was in 1970. There have been some spikes in the murder rate, during the late 70s and early 80s, and again in the early 90s, when the rate rose to around 2,500 annually. This year the number will be around 900. One reason it is so low is that California has the highest incarceration rate in its history. If there is any weakness in the criminal justice system, it is that the Los Angeles County Jail System is wholly inadequate in terms of bed space. This is an

infrastructure problem that exists across California that is aggravated in Los Angeles County as a result of 28% of the jail population being illegal aliens. The Board of Supervisors and the entire law enforcement community need to address this situation and alternative forms of sentencing.

### **Questions and Comments**

When Mr. Cooley opened the floor for discussion and questions Commissioner Tortorice inquired as to the status of the Public Integrity Division. Mr. Cooley indicated that when he took office it was his desire to be more responsive and aggressive in this area. By giving this Division a clear mission to pursue allegations of criminality by elected or appointed officials, or within government, they have been able to initiate a number of significant investigations with a conviction rate of virtually 100%. Mr. Cooley indicated that the county, the 88 cities and the hundreds of districts that provide services are now performing in an increasingly honest and efficient manner as a result of their aggressive presence.

Commissioner Padilla asked if Mr. Cooley could comment on how this function works at the state and federal levels. Mr. Cooley noted that the state Attorney General's Office generally leaves the pursuit of public corruption to the counties. The Federal Government does have concurrent jurisdiction and can pursue local public corruption. The District Attorney's Office maintains a partnership with the U.S. Attorney in terms of who takes which cases.

Commissioner Cole wanted to know about the capability of sharing the California DNA database with other states. Mr. Cooley replied that each state's attorney general has the responsibility for maintaining that state's database as authorized by that state's law. Currently, virtually every state has a DNA database that is loaded into a national database (CODIS) to which states have access.

Commissioner Fuhrman requested that Mr. Cooley provide an update on the state of the investigation in Vernon, CA, if appropriate, and also asked if evidence of bribery and corruption is referred to the Franchise Tax Board (FTB). Mr. Cooley responded that they can and do work with the FTB. This can be a tool, but not in every case. Concerning Vernon, Mr. Cooley indicated that the DA has a solid case that is pending in court. Commissioner Fuhrman followed up with a question concerning the mechanism for un-incorporation. Mr. Cooley replied that his office has searched for a statutory solution for a Vernon-type situation, in terms of un-incorporation, although this is usually done voluntarily by the city. His office has prepared legislation to address these circumstances and is waiting until the case is resolved before submitting it to the legislature.

Commissioner Barcelona stated raids on illegal aliens had been conducted recently, during which around 1,300 people were arrested and deported. He wanted to know if the District Attorney's Office was involved. Mr. Cooley replied that the DA has its own program that was recently initiated. Two deputy DAs have been designated to become U.S. Attorneys. They will be exclusively dedicated to prosecuting known gang members who are in this country illegally, having recently been deported or excluded (The crime is known as "felonious reentry"). The District Attorney's Office thought that if they lent attorneys dedicated to going after gang members that are in the country illegally that they would be able to make a dramatic and focused response to the element that is causing a significant percentage of the gang/crime problem. This approach will be tested and tracked over time.

Commissioner Cole inquired as to whether the District Attorney's Office has any community-based gang prevention programs. Mr. Cooley mentioned they manage and coordinate an intervention program where at-risk youth are paired with a fireman/woman as a mentor. He also noted another program involving outreach to 5th graders by deputy DA's, DA investigators and others. He indicated that although his office is a prosecutorial agency with the mission of prosecuting crime, they certainly support and encourage crime prevention.

Commissioner Balderrama asked what the District Attorney's Office is doing concerning internet fraud. Mr. Cooley commented that electronic crime is the new wave in crime. Last year, the High-Tech Crime Division was created from a unit within the office. With help from Supervisor Burke, the office added investigators and lawyers which has enabled the development of expertise in this area.

Commissioner Tortorice sought information on initiatives related to child care fraud. Mr. Cooley expressed appreciation for the work of the Commission in exposing the problem. Welfare fraud requires serious attention by the Board of Supervisors, the Grand Jury, and/or the Commission, as well as by the District Attorney's Office in the area of in-home health services. Although the program in Los Angeles County is \$1.2 billion, with the county's contribution being \$200 million, there is currently no real investigative component. There is a lot of overlapping fraud with in-home health services and child care. Fraud is a big money problem for the county and not many resources are dedicated to preventing it, detecting it, or prosecuting it.

Dr. Robert Sax, the foreperson of the 2006-2007 Civil Grand Jury, was interested in Mr. Cooley's comments on elder care and elder abuse. Mr. Cooley commented that elder abuse is probably one of the fastest growing crimes against persons. Elder abuse seminars organized by the DA's Office over the last several years have been well attended. Most elder abuse today is financial. The DA's Elder Abuse Unit focuses on higher-end, more sophisticated and egregious cases. Deputy DA's throughout LA County are trained on how to prosecute these kinds of cases involving a very vulnerable population.

Commissioner Cole asked how the issue of "three strikes" has been addressed by the District Attorney. Mr. Cooley executed a policy within ten days of taking office in December 2000 that if a person's new felony is a serious or violent felony the office will pursue a 25-to-life sentence. If the new offense is not serious or violent, the presumption is that they will not pursue that under "three strikes" but there is flexibility to do so if warranted.

Commissioner Fuhrman said that an active task force within the Commission is looking at the new Chief Executive Office (CEO) structure, and sought Mr. Cooley's comments on how his office is relating to the CEO. Mr. Cooley indicated that the CEO treats the elected offices, the Sheriff, District Attorney and Assessor, differently; but so far, the relationship has been very cooperative. Commissioner Fuhrman followed up by inquiring as to how Mr. Cooley views their responsibility in working with the county-wide policies, such as Information Technology and Human Resources, aside from the specifics of prosecutorial responsibilities. Mr. Cooley stated he views their responsibility in those areas as somewhat limited although he does feel bound by county policy. The office has to go through the budget process, respect that process, and live within that process.

Commissioner Balderrama inquired as to when the District Attorney's Office gets involved with chronic restaurant violations. Mr. Cooley stated they don't handle misdemeanors that occur within cities that have a city prosecutor or in cities that have a contract attorney to handle those cases. In the unincorporated areas, the office has a code enforcement program which gets involved in the case if brought to them by the appropriate authority. A plan for code enforcement designed by the DA and County Counsel has been remarkably successful and, with good cooperation, has resulted in a much improved system.

Commissioner Tortorice wanted Mr. Cooley to comment on the administration of the courts, and specifically if they are functioning effectively from his standpoint. Mr. Cooley said that generally they are, and they are well-led by good people. The Los Angeles Superior Court, the largest such court system in world, now functions in the context of the overall state trial court system. He said that if the courts could do anything to improve it would be to do a better job in managing their security. Mr. Cooley suggested that the Commission consider looking at the situation.

Commissioner Cole asked Mr. Cooley what the county could do to help his office to be more effective. Mr. Cooley responded that he would like to triple the size of the High-Tech Crime Division, saying that electronic crime is going to get bigger. He would like to see more DA investigators to review the cases, more DA's to prosecute the cases, and more training of other law enforcement agencies on this type of crime. He foresees a workload that will cause law enforcement to be unable to protect the public in light of the onslaught which is anticipated. With the county's support his office can bring in law enforcement and work with them in dealing with this new threat to public safety.

Chairman Ikejiri brought up the recent Duke University case, and the prosecutor involved, and said that what was bothersome about that whole episode is the public becoming disappointed with the whole process.

Normally there are checks and balances, but it seems that in this case the prosecutor was not contained and people's lives were negatively affected. Mr. Cooley offered that if a prosecutor makes a mistake and falsely accuses someone that that is a tragedy. Thus, you have policies in place, close supervision, professionals in the department, and an attitude that you are there to do the right thing.

Chairman Ikejiri inquired about the District Attorney's recruiting. Mr. Cooley responded by pointing out that the office did not hire during the first four years of his tenure. Subsequently, 250 have been hired with about ten applicants for every position. A position with the District Attorney is highly sought after, in spite of the lower pay.

Commissioner Barcelona brought up a situation in the Antelope Valley that has a lot of people concerned. A judge recently made a decision that fights in schools or school settings are not considered to be in a public place so they can't be prosecuted as such. Mr. Cooley said that his office is reviewing some of the judge's activities as a result of similar complaints.

Chairman Ikejiri brought up the issue of possession of marijuana being considered a crime of moral turpitude. He mentioned this in the context of someone that may go to work in the defense industry, i.e. they cannot get top secret clearance since it is considered a crime of moral turpitude. Chairman Ikejiri asked how this is handled by the District Attorney. Mr. Cooley said that it used to be a felony, but now possession of less than one ounce of marijuana is an infraction, punishable by a maximum \$100 fine. It becomes a felony if one is engaged in its sale.

Chairman Ikejiri asked if there were any other questions for the District Attorney and there were not. He thanked Mr. Cooley for his informative and enlightening presentation and offered the resources of the Commission to assist in his efforts.

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