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Economy & Efficiency Commission Presentation

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
Lisa Kahn
Deputy District Attorney
Los Angeles County**

December 6, 2007

Chairman Ikejiri expressed his appreciation to Ms. Kahn for making the time to speak to the Commission.

Chairman Ikejiri announced to the Commission to welcome Ms. Kahn to begin to discuss DNA as a Crime Fighting Tool. Chairman Ikejiri has had the opportunity to listen to her presentation about 2-3 months ago at the Countywide Justice meeting with Chair-Emeritus Philibosian.

Chair-Emeritus Philibosian did the introduction stating it is a pleasure to have Lisa Kahn as a presenter. Lisa Kahn is the Forensic Sciences Advisor for District Attorney Steve Cooley whom created that position. Ms. Lisa Kahn brings superior qualifications in this role and is the Pioneer in DNA Techniques in Crime Detection and Prosecution and is a Nationwide Speaker on said issues and has developed many, many Techniques in which have been very helpful to law enforcement.

DNA Cases

Ms. Kahn began by discussing some high profile cases like the "Belmont Shore Rapist", "60 Freeway Slayer", and the Chester Turner case which was the most prolific serial killer in L.A.P.D's history.

DNA Data Banking

Mr. Kahn then addressed the area of using DNA Data banking not only convict the guilty, but to exonerate the innocent. 2-of the DNA cases that were connected to Mr. Turner exonerated Mr. Jones who was convicted in 1995 and released in 2004. In 2006, Ms. Kahn wrote the resolution declaring September DNA Awareness month in California, which was the 5th anniversary here in Los Angeles County. In order to use DNA Data Banking as an effective tool to solve crime all it really involves are 4-elements; Science, Law, State of the Art Crime lab and Resources (criminalists and detectives). California's DNA database now is the third largest DNA database in the world in terms of the number of profiles on file.

Crime Lab Facility

Ms. Kahn indicated we have the 3rd largest Crime Lab in the nation. It is located at Cal State L.A, which was opened in September of 2007 with the L.A.P.D. and Sheriff's (no Federal, but some State) are co-located at this crime lab. There is a teaching facility and a small section which involves the State lab used to do some training. In the last 16-months there have been almost 2900 cold hits in California. In 2007, LAPD had three times as many cold hits as the Sheriff Department. This is because LAPD does three times more unsolved casework as does the Sheriff's Department.

Ms. Kahn last part of point here is where we can expand to use the Data Banks to protect public safety, to convict the guilty and exonerate the innocent "Our mission is to Protect Public Safety".

Ms. Kahn, has been speaking on DNA Data Banking since the year 2000. Last night or yesterday, somewhere in Los Angeles County or City a Woman and/ or a Child was sexually assaulted by a stranger. The evidence of the identity of the perpetrator, the rape kits should be in our Crime lab, today, so it can be analyzed immediately and that profile of that unknown perpetrator can be uploaded into the Data Bank so that we can solve that case. The perpetrator can not only be identified, but he can be stopped from committing another crime, another sexual assault. Stop another serial rapist/killer, but we do not do that we wait 30-days / 60 days or 90 days and sometimes we wait 2-years where we analyze these rape kits.

Burglary Cases

Ms. Kahn, mentions that other types of cases where we need to use DNA Data Banking are property crimes. The gold standard for using DNA Data Banking for property crimes is the United Kingdom. In the UK all property crimes with suitable evidence are DNA tested. They report a 44% chance of identifying the suspect on burglary cases. In Los Angeles County 10% of burglary cases are filed using traditional investigative techniques.

Ms. Kahn discussed a small DNA demonstration grant that was given to LAPD to look at burglaries. Of the 55-cases, 50% of the cold hits have been filed and will result in state prison sentences, which is amazing for the non-residential burglaries, that is, the commercial and auto burglaries.

In conclusion, Ms. Kahn stated, we need to increase crime lab resources, implement automation to increase output and we need more detectives because every cold hit is a new investigation.

Questions and Comments

Commissioner Fuhrman asked Prop 69 says we get samples from any felony conviction? Ms. Kahn replied yes any felony convictions. Commissioner Padilla asked as to when the felony occurred? Ms. Kahn replied we are retroactive, but No you must be currently on probation, parole and must be under courts supervision. Example; If you were convicted 10-years ago and time was served, finished probation a sample of DNA could not be collected (time was served).

Commissioner Fuhrman asked that the delay of the back log in regards to the Rape Kits? Ms. Kahn replied because of back-log or just do not have the resources. We do not use this as a tool to solve or prevent crime.

Commissioner Padilla asked in Ms. Kahn's opinion how can this be changed? Ms. Kahn replied Resources and these are not really a lot of cases. We should start with Stranger ID cases. There are not a lot of cases or needing a lot of money, this is about identifying getting these cases to the lab within hours.

Commissioner Fuhrman asked about the accidental professional training that is required for some of these criminal positions and also addresses quality control and quality assurance issues? Ms Kahn replied as terms of trained criminalists to be trained as an STR criminalist, which is the technique they are using now. It is a long haul in getting these trainees trained which takes 12-months even 18-months. The problem with the training that Ms. Kahn sees is lengthy and very old fashion. Training is all done in-house there is no place to send anyone for training. Commissioner Fuhrman asked if these people need a Bachelor Degree? Ms. Kahn replied for the most part, yes, which they have a Degree in biology. Ms. Kahn specified that Training is a nationwide problem to train anyone.

Commissioner Fuhrman asked about the Cal State people being interested in setting up training? Ms. Kahn replied yes. As for quality assurance to the matches, we are so over the top on these DNA matches that we are literally checking 3-times (local lab, state level and get the suspect take new reference sample) the redundancy is almost to much.

Commissioner Padilla asked about the distribution of unincorporated crimes where you would use a DNA sample, changing of perpetrator's behavior and more sensitive issue a lot of the rape that are committed by a family member or random person? Ms. Kahn replies in terms of crimes it's across the board, being committed in the City, smaller municipal Cities and unincorporated Sheriff's jurisdiction. The volume of crime is equal between LA City and the Sheriff's jurisdiction.

Commissioner Fuhrman addresses the rates that the Sheriff's Department charges to contract cities and if they would raised their rates to hire more criminalized? Ms. Kahn replies that there is no rate that LA County Sheriff charges and it's free, as well as The LA County Sheriff's crime lab.

Chair-Emeritus Philabosian asked in terms of the economics and also it is known that there are crime statistics generated for the amount of money? For example burglars would cost in terms of 1-year in committing burglaries. Have there been any competitive studies done to how much money can be saved when a burglar cost per year vs. using a DNA procedure for detecting, prosecuting a criminal? Ms. Kahn replies that on burglary she does not know the numbers. There is cost benefit analysis by that NRHA is working on right now, which is part of their demonstration chart. NRHA mission report is due in January 2008. Chair-Emeritus Philabosian has requested from Ms. Kahn that a copy of the report analysis be provided to the Commission. Ms. Kahn agreed to check into providing a copy and again addresses that this is a nationwide report as to the cost benefit analysis for the demonstration grant.

Commissioner Otto asked what Ms. Kahn has seen happen with the prosecution in terms of the affects in the courts and jails? Ms. Kahn replies small effect on jails so far.

Commissioner Fuhrman asked if we had a felon in California who was then released, but his DNA would be in our criminal database then he flies to New York and 2-years later is involved in a crime. Then the DNA sample would hit towards our Prison in LA County. Ms. Kahn agrees with the statement said by Commissioner Fuhrman and mentions that we are linked from local to state.

Chairman Ikejiri asked what the needs to be done is to get additional funding and stronger commitment (instead of waiting 4-months or longer to get involved with cases) from County resources. As adjoining Citizen in Gardena residing near City of Torrance, if we knew of what the cost was for a quick turnaround like Torrance program has and other Cities would ascertain as well. DNA is agreeable because it solves crimes, which is very important.

Ms. Kahn replies that "we at a Crossroad now and we have come a long way". Resources are needed at this time from local government, the Board of Supervisors and the LA City Counsel. The state built the new lab and federal grants have helped with backlogs and lab capacity and now its time for local government to contribute a bigger share. Chair-Emeritus Philabosian replies and that is why it would assist if there was a financial analysis so when the Board of Supervisors is introduced with a statement of the amount of money consumed and how much funds can be saved from taxpayers, business person's and residential people's over the next year.

Chair-Emeritus Philabosian asked Ms. Kahn if a proposal has been introduced to the Board of Supervisors? Ms. Kahn replies No, but that is a very good idea and should be done since the core mission of all Police Agencies at this point is to Protect Public Safety.

Chairman Ikejiri responds that Hugh Howser did a special on L.A. Trade Tech, beautiful campus near LA County looked into all the different kind of discipline here and particularly with CSI Miami and he feels there is a large core of young people that would love to get involve technology.

Commissioner Fuhrman questions as to the cases we have used DNA evidence to exonerate someone whom has been convicted unjustly and is there a process with the District Attorney's office to view and go back and look into the prosecution process to see what errors were made? Why that person was inappropriately convicted? Ms. Kahn replies YES there is a process where you can review the case, but were very few.

Chair-Emeritus Philibosian replies to Commissioner Fuhrman that editorially there is minimal amount here in LA County and California and that the horror stories are heard of in other States.

Chairman Ikejiri, on behalf of the Commission members wanted to thank Ms. Kahn for her time and wonderful presentation and stated that this is one of the best things about being an example for Public Service. The Commission will look forward to trying to follow-up on this matter perhaps next year and taking on some responsibility.

[Return to Top of Presentation](#)

[Return to Agenda](#)



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