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Economy & Efficiency Commission Presentation

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**PRESENTATIONS BY
Ms. Jan Maurizi
Assistant District Attorney, Department of District Attorney
Los Angeles County**

April 1, 2010

High Tech and Digital Crimes

Chairman Barcelona greeted Jan Maurizi, Assistant District Attorney of the District Attorney's office and welcomed her while turning it over for Ms. Maurizi to speak to the Economy and Efficiency Commission.

High Tech Crime Overview

Ms. Maurizi stated that theft the old fashion way is where someone would take a gun and put it to someone's head to try and rob a bank, 7-eleven, or an ordinary person. Ms. Maurizi stated that is the way crimes were committed about 20 years ago. Ms. Maurizi commented that today theft is done via high technology crime. She stated that the easiest way to commit these crimes is through identity theft and credit card scams. Ms. Maurizi stated that these crimes are easier because the perpetrators can be in the comfort of their own home with no victim contact, and no weapons have to be used. It's a high profit-low risk crime and police are undermanned and overwhelmed, and when caught, the perpetrators get either probation or misdemeanor. Ms. Maurizi stated that not only are they dealing with the kinds of crimes that one thinks of normally, but there is a tsunami right now of digital crimes. She stated that when you think about it, everyone in the room has a computer, or a cell phone, or maybe use the ATM, or shop online. She stated that all of these devices that are so common today are devices that carry with them digital evidence.

Ms. Showers stated that there was a man named Kevin Mitnick who was a computer security consultant and author at the age of 17. She stated in the late 20th century, he was convicted of various computer and communications-related crimes. At the time of his arrest, he was the most-wanted computer criminal in the United States. She also stated that he also hacked into the computer system of Pacific Bell and altered phone bills, and accessed information valued at \$200,000 at the company. She stated that he was prosecuted as a juvenile and received six months probation.

Ms. Showers stated that penal code section 13848 generally include Identity Theft, Network Intrusions, Access Card Fraud, Internet Auction Fraud, Theft Proprietary Information, Theft of Intellectual Property, Theft/Resale Telecommunications Services, Counterfeit Software/Hardware, Money Laundering, and Child

Exploitation on the Internet. She stated that many people may not consider counterfeit purses, counterfeit belts, or counterfeit CD's as a big issue for Los Angeles but they are. She also stated that in 2005 the County's Economic Corporation did a study on the city of Los Angeles and found that Los Angeles suffered a \$5 billion dollar lost from lost sales in that year. Ms. Showers stated that the most important thing was local government lost over \$200 million dollars in sales tax. She stated that this has effected government on every level. She stated that the movie industry in that year lost over 78,000 jobs because the movie and music piracy is out of control. She stated that today digital evidence is a critical part of the investigation and successful prosecution of all sorts of crimes.

Ms. Showers also shared a homicide case with the Commission. She stated that Dennis Lynn Rader (born March 9, 1945), was an American Serial Killer who murdered ten people in Wichita, Kansas, between 1974 and 1991. She stated that he was known as the BTK killer (or the BTK strangler), which stands for "bind, torture and kill". She stated that he sent letters describing the details of the killings to police and to local news outlets during the period of time in which the murders took place. Ms. Showers stated after a long hiatus in the 1990s, Rader resumed sending letters in 2004, leading to his 2005 arrest and subsequent conviction. By 2004, the investigation of the BTK Killer had gone cold. She stated that Rader had sent a letter to the police, claiming responsibility for a killing that had previously not been attributed to him. DNA collected from under the fingernails of that victim provided police with previously unknown evidence. She stated that they then began DNA testing hundreds of men in an effort to find the serial killer.

Ms. Showers stated that the police corresponded with the BTK Killer (Rader) in an effort to gain his confidence. She stated that in one of his communications with police, Rader asked them if it was possible to trace information from floppy disks. She stated that the Police Department replied that there was no way of knowing what computer such a disk had been used on, when in fact it was possible. Ms. Showers also stated that Rader then sent his message and floppy to the Police Department, which quickly checked the metadata of the Microsoft Word document. In the metadata, they found that the document had been made by a man who called himself Dennis. She stated that they also found a link to the Lutheran Church. When the police searched the Internet for 'Lutheran Church Wichita Dennis', they found his family name, and were able to identify a suspect: Dennis Rader, a Lutheran Deacon. She stated that the police also knew BTK owned a black Jeep Cherokee When investigators drove by Rader's house they noticed a black Jeep Cherokee parked outside. Ms. Showers stated that on February 28, 2005, Rader was formally charged with 10 counts of first degree murder He made his first appearance via videoconference from jail. He was represented by a public defender. Bail was continued at \$10 million. She stated that on May 3, District Court Judge Gregory Waller entered not guilty pleas to the 10 charges on Rader's behalf, as Rader did not speak at his arraignment. Ms. Showers stated that on June 27, the scheduled trial date, Rader changed his plea to guilty. He unemotionally described the murders in detail, and made no apologies. She also stated that on August 18, Rader faced sentencing. Victims' families made statements, followed by Rader, who apologized for the crimes. He was sentenced to 10 consecutive life terms, which requires a minimum of 175 years without a chance of parole. Because Kansas had no death penalty at the time the murders were committed, life imprisonment was the maximum penalty allowed by law.

Questions

Commissioner Fuhrman asked whether the State should have a shared service for all Counties. Ms Showers replied that the State funds the Southern California High Tech Task Force. She stated that there are five regional Task Forces around Southern California. She stated that it just so happens that Orange County is part of a regional Task Force that is based out of San Diego. Ms Maurizi stated that people should keep in mind that this is a Global issue and a lot of the hackers were in China when they were doing it.

Commissioner Cox asked whether you are able to do the same things with off shore computers. Ms. Showers stated that her Department can. She stated that they use the Secret Service and the FBI more on these cases when they have to go out of the country. She stated that both the secret service and the FBI are the ones that serve the search warrants in different counties for various servers that might be under investigations.

Commissioner Otto asked whether there are lighter penalties for high tech crimes as opposed to someone

that robs with a gun or robs a bank. Ms. Showers replied that there have been some changes. She stated that it used to be when an identity theft came to court the judge would place them on probation. She stated that within the last year there were a 14-year sentence, a 12-year sentence, and some even getting State prison time. Ms. Maurizi states that her Department still needs to educate the bench and work with the legislature to increase punishment. Ms. Maurizi also stated that it will not happen within the current budget, but the point made is a valid one.

Commissioner Petak asked how does the District Attorney's office prevent hackers from hacking their system. Ms Showers replied her Department has many passwords for everything. She also stated that they have someone monitoring the system on a daily basis.

Chairman Barcelona expressed his appreciation to Ms. Maurizi and Ms. Showers for coming to speak to the EEC and the Commissioners applauded.

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