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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
Mr. Steve Cooley,
District Attorney, District Attorney Office
Los Angeles County**

March 3, 2011

Overview of LA County District Attorney's Office

Chairman Barcelona greeted Steve Cooley and John Spillane, District Attorney and Chief Deputy of the LA County District Attorney Office and welcomed them while turning it over for Mr. Cooley to speak to the Economy and Efficiency Commission.

District Attorney's Office Overview

Mr. Cooley stated that his office is the "lawyer for the people", a non-partisan official who is elected every four years. He stated that the District Attorney's Office prosecutes felony crimes throughout Los Angeles County. He stated that Deputy district attorneys also prosecute misdemeanor crimes in unincorporated areas and in 78 of the 88 County cities. Mr. Cooley stated that his has a staff of approximately 2,256 which includes 1,056 deputy district attorneys, 312 investigators, and 888 support personnel, comprising the largest local prosecutorial agency in the nation.

Mr. Cooley stated that on average the District Attorney's Office prosecutes nearly 60,000 felonies and 200,000 misdemeanors a year. He stated that the Juvenile Division, which has nine offices throughout the County, files approximately 30,000 criminal petitions a year against criminal offenders under 18 years of age.

Mr. Cooley also stated that cases from the central Los Angeles City area are prosecuted downtown at the Clara Shortridge Foltz Criminal Justice Center by the Bureau of Central Operations. He stated that cases outside the central district are prosecuted by the 30 branch and area offices. He stated that the head deputy district attorneys run the main branch offices; deputies-in-charge run the branches' smaller area offices. He also stated that all office locations work closely with local police to prosecute crimes in their respective regions. He stated that branch and area offices prosecute the majority of cases in the District Attorney's Office.

Mr. Cooley stated that certain types of cases require expert attention and are handled by special division or

units. He stated that prosecutors in these units focus on certain types of crimes and are specially trained to prosecute them. He stated that special division and units - as well as prosecutors in the Victim Impact Program vertically prosecute crimes, which means that one deputy district attorney handles the case from beginning to end.

Realignment Plan

Mr. Cooley stated that the centerpiece of the Governor's budget proposal is a major realignment of state and local program responsibilities that would be subject to voter approval. He stated that the Governor's plan would raise \$5.9 billion in taxes to fund the shift of a like amount to counties to implement increased program responsibilities. He stated that in the area of criminal justice, these programs include: court security, various public safety grant programs, adult parole, jurisdiction of parole violators, and jurisdiction of remaining juvenile offenders.

Mr. Cooley stated that the Governor proposes that all offenders sentenced for a non-serious, non-violent crime, who have no prior serious or violent criminal convictions and who are not required to register as sex offenders, be placed under local jurisdiction rather than under state jurisdiction. Mr. Cooley stated that Governor Brown's realignment proposal in the area of Corrections and Rehabilitation will wreak havoc on Los Angeles County's criminal justice system and the State as well. He stated the term "lower-level offenders" used to describe qualifying felons is wholly misleading as it includes very serious felony conduct as illustrated in the examples provided. He also stated that it does not adequately consider the felons' prior criminal history, the magnitude of the harm done and the number of victims. He stated that society will not be adequately protected. He stated that convicted felons will not be appropriately punished. He also stated that there would be woefully insufficient bed space for these convicted felons in Los Angeles County jails. Mr. Cooley stated that thousands of convicted felons will be on the streets with minimal supervision. He stated that in a time of shrinking budgets, the Los Angeles District Attorney Office and all other criminal justice entities from law enforcement agencies to the courts would require substantial additional staffing to handle the predictable, significant increase in criminal filings due to felons serving very little or no time in custody.

Mr. Cooley stated that Los Angeles County already faces a severe and chronic jail overcrowding problem that prompted more than a 20-year old ongoing federal court-mandated population cap on the jail population. He stated that this has resulted in many incidents of early release of county jail prisoners over the years.

Mr. Cooley stated that the county's jails, according to the Sheriff's own statistics, house about 18,000 inmates. About 90 percent are pre-trial detainees, leaving some 1,800 beds for post-conviction sentencing. He stated that filling those beds now are those sentenced to misdemeanor terms, those sentenced to jail for violating probation, or defendants who have been given a jail term as a condition of a felony probation. He stated that these sentenced prisoners are routinely released early. Mr. Cooley also stated that under the Governor's proposal, up to 9,000 convicted felons would be required to serve their sentences in Los Angeles County. He stated that there is no room in the jails for them, nor is there room for an estimated 6,500 Los Angeles County parole violators who would receive jail terms in lieu of prison under the proposal.

Mr. Spillane stated that he was tasked with looking at the original proposal as it came to the District Attorney's Office. He stated that one of the great problems the state has right now is that they are under such strict time frame to come up with something. He stated that unfortunately the initial proposal was a disaster. He stated that the District Attorney's Office pointed out all of the many flaws in the proposal. He stated that the County did react fairly uniformly that the initial proposal would not work. He stated that the department heard that the State was working on the proposal and they were going to make quite a few changes, and they did. Mr. Spillane stated that they made some changes that narrowed the scope of the type of people proposed to be handled at the local level. He stated that as late as Monday of this week the State is still working on it. He stated that they are operating on a March 10th deadline to get it passed in the legislature; they don't have all the details. He stated that it is very difficult for the District Attorney's Office to give a concrete reaction to something they candidly admitted that they are still working out the details. He stated that what the

District Attorney's Office does know that on the parole aspects of the proposal, essentially the State was going to abandon its parole responsibilities and shift all parole responsibilities to the local level to handle parolees. He stated that the State has now decided that serious and violence in sex offenders who be retained by the State to handle those paroles. He stated that the non-serious, non-violent, and non-sex related offenders would be handled by the local level, meaning the Sherriff's Department or the Probation Department. He stated that this is an improvement but that the District Attorney wants to point out the cost and liability to the County. Mr. Spillane stated that he would like to point out to the Commission that before the District Attorney states that this is a good proposal, the Department must keep in mind that there are a lot of long term effects to the County of Los Angeles of taking over the role of being a parole supervisor of 3,500 to 4,000 additional State Prisoners per year. He stated that the other thing that is still a moving target by the State is that they have eliminated certain code sections of the non-violent, and non-serious offenders, they took to heart the public corruption problem where the department highlighted the potential conviction of Robert Rizzo and if he belongs in State Prison if he is convicted. He stated that the State is going through the penal code and the District Attorneys Office does not know what code sections they are going to take out and allow those individuals to go to State Prison instead of being handled at the County level. Mr. Spillane stated that the message that the District Attorney's Office is sending right now even at the late date is that there is no certainty what the impact will be on Los Angeles County, the department feels that this is a public safety problem that the State is going to shift to the County and the liability issues, and the cost are going to very significant and although the Probation Department, Sherriff Department, and The District Attorney Office have been task to look at this. The D.A. can not give a firm answer which is one of the reasons the D.A.'s Office is pointing this out to the Commission. He stated that perhaps this is something the Economy & Efficiency Commission can take a look at. He stated that the District Attorney's Office may need the Commission to take a look at this to see if this is something that can work or should work or if there is another alternative that the D.A. should propose to the State. He also stated that the State has told the District Attorney's Office and the Chief Executive Office that if they go through with the realignment they will provide a funding source. He stated that the CEO, Mr. Fujioka, has indicated that without certainty of funding it's a dead letter as far as the County is concerned. He stated that the State responded with a proposed constitutional amendment that would guarantee VLF money, the 1% increase in sales tax, and certain licensing fees would be guaranteed that if the realignment took place those monies would come along which the State put a 5 year cap on. He stated that the constitutional amendment has a 5 year cap; but he asked what happens after 5 years? He stated that for these two major reasons the public safety reason and the funding issue at this time the District Attorney's Office can not support the new proposal. He stated that it is better than what it was before but there are too many unanswered questions for the D.A.'s Office to give a definitive answer.

Questions

Chairman Murray asked the District Attorney about his thoughts on what the direction should be, and how the County could get cost under control. Mr. Cooley replied that the County could start by looking at other States that incarcerate people in State Prisons at one third of the cost of what it cost here in California. Mr. Cooley stated that California has the Cadillac of Prisons and he stated that California does things that other states don't do. He stated that California Prisons provide counsel for the inmates at the State's expense. He stated that this is a very expensive item that is not required by the constitution. He also stated that there are articles in the paper about incarceration of very ill individuals who really don't pose a public safety threat but the laws are available for the State to deal with the medical cost. He stated that California's medical treatment is Cadillac to well beyond Medicare standards. He stated that not accepting criminals who truly deserve state prison after the adversary process and after the judge makes a decision to not accept those people is just going to have impact on allowing them to continue with their criminal acts. He stated that back when Ronald Regan was Governor he proposed a system of subsidizing the counties, the County Probation Departments or people receiving probation when they should have gone to state prison. He stated that it was a mistake because a lot of bad guys pulled off arm robberies were getting probation because of the financial incentive. He also stated that it can't be all about the money at some point and time you should pay the price. He stated that another mistake that has been made historical was not expanding the County Jail infrastructure consistent with the increase of population.

Commissioner Mindlin asked that when talking about going from State to local jurisdiction, is it the sentencing or only incarceration. Mr. Cooley replied that the judges will still do the sentencing. He stated that they may say 4 years state prison for your crime but since its four years or less by the terms of the realignment it would go back to the county for handling.

Commissioner Ikejiri stated that the 476 municipalities are with the State of California. He stated that we all rely on the VLF and sales tax funding. He stated that you may need a decade proposal for the transition. Mr. Cooley replied that this is not a good example of long term planning. He stated that they are trying to solve huge problems with unintended potential consequences in a matter of weeks.

Chair-Emeritus asked who came up with the term of realignment which is essentially going to be a terrible blow to public safety. Mr. Cooley replied that realignment is one of those feel good words that is not offensive or threatening. He stated we all get our tires aligned on our cars and usually it's better after you get them aligned. He stated that Supervisor Yaroslavsky pointed out at the Budget Hearing the last time the State aligned anything it cost the County \$400 to 500 million dollars that the State still owes.

Mr. Cooley stated that the District Attorney is very proud of what they have accomplished. He handed out a Report of all the accomplishments his Office has done within 2009-2010. He stated that from an economy & efficiency standpoint, his department has been embraced by local law enforcement as a cost saving measure. He stated that he is proud of his office on all their hard work.

Chairman Barcelona expressed his appreciation to Mr. Cooley and invited him to come back to speak to the EEC in the near future and the Commissioners applauded.

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