

Daily News

LAPD GETS D.A.'S MEMO.

Article from:

Daily News (Los Angeles, CA)

Article date:

March 21, 2000

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The **District Attorney's** Office turned over to LAPD investigators on Monday a memo written by a prosecutor warning of potential problems with rogue cop Rafael Perez long before the Rampart Division scandal erupted.

The decision came after an angry Mayor Richard Riordan demanded to know why the Los Angeles Police Department wasn't told when **Deputy District Attorney Michael Kraut** suspected Perez had lied in two criminal cases in mid-1997 - a year before he was arrested for stealing \$1 million in cocaine from an evidence locker.

Riordan told the Los Angeles Police Commission to subpoena Kraut's memo if necessary.

"This raises very serious concerns and is something we should have known about," Riordan said in an interview.

"If we had known about this it could have stopped the Rampart scandal before it could metastasize. When there's a problem, you want to know about it early so you can deal with it. We need to find out exactly what happened here so we can prevent it from ever happening in the future."

The mayor's remarks were made in response to a Daily News story Sunday in which details of Kraut's memo and his follow-up complaint raised questions about Perez's honesty in two unrelated drug cases.

Despite Kraut's concerns, the LAPD was never informed of the suspicions about Perez until after his arrest in August 1998.

District Attorney Gil Garcetti's spokeswoman Sandi Gibbons said only the memo Kraut wrote in the first drug case along with some notes could be found and they were sent to the LAPD.

"We're all in this together," Gibbons said.

She said it was unclear what the response would be if the Police Commission sought the documents because it is not an investigative agency. Sally Thomas, director of central operations, is expected to complete her review of the entire Kraut matter early next week.

Sources have told the Daily News that Kraut was so concerned about Perez's honesty after having to seek a dismissal in the first case that he followed up when another prosecutor had to drop charges because the cocaine seized as evidence could not be found.

Kraut checked up and found the cocaine was still in the evidence locker and again complained to his supervisor about Perez, the sources said. But the complaint was ignored and Kraut was rebuked, they said.

Cmdr. David Kalish, chief LAPD spokesman, referred questions about Kraut's concerns to the **District Attorney's** Office but emphasized that an early warning about Perez could have been important.

The disclosure of the Kraut memo and his complaint in a second case heightened concerns among City Council members about the course of the Rampart scandal investigation and strengthened calls for a thorough probe of the breakdown in all aspects of the criminal justice system.

Councilwoman Cindy Miscikowski, who chairs the City Council's Public Safety Committee, which has resisted calling for an independent investigation, said she wanted to talk to Garcetti about the memo if he agrees to appear before the council.

“It is something like this and all the other things that come up that make it important for him to appear before the council,” Miscikowski said. “I don't want to get into hypotheticals of what this might have meant if we knew it sooner, but it certainly raises some questions.”

Councilwoman Laura Chick said the **district attorney** owes the same level of cooperation to the LAPD as the police do to the prosecutor, referring to the squabble last week between Garcetti and Parks over the chief's efforts to send investigative reports to the U.S. **Attorney's** Office prior to releasing them to the **district attorney**.

“Last week I was critical of the **District Attorney's** Office being cut out of the loop by the LAPD,” Chick said. “Now, it seems the **district attorney** is guilty of the same thing.”

“But what is more important is the focus has to be on the entire justice system, not just the LAPD, not just Rampart.”

Councilman Joel Wachs said Kraut's early warnings showed the need for an independent Rampart probe.

“This memo is potentially devastating,” Wachs said. “But it is precisely why I want an independent inquiry where everything comes out so we can make broad reforms. I think everyone is asking, What else is there that we don't know about?”

“This all will come out, but it depends on whether it is leaked day by day or if there is an overall approach to it.”

Councilwoman Jackie Goldberg questioned whether informing the LAPD about Perez in 1997 would have made a big difference.

“It might have meant we could have discovered what was going on a little sooner,” Goldberg said. “But it still doesn’t answer the big question of what is wrong with the entire justice system - the **district attorney**, the courts, the public defender, the Police Department.

“It seems we have a systemic problem where we assume people are guilty. What we have to do now is convince the public that we do have a system of justice.”