

Daily News

LAPD TO SEEK D.A. MEMOS DETAILING PEREZ WARNINGS

Article from:

Daily News (Los Angeles, CA)

Article date:

March 20, 2000

Byline: Beth Barrett, Rick Orlov and Greg Gittrich Staff Writers

LAPD officials will formally request today **District Attorney** documents detailing a prosecutor's warnings about rogue cop Rafael Perez's dishonesty more than a year before the Rampart Division scandal was uncovered, sources said Sunday.

The request comes in response to disclosures, reported by the Daily News on Sunday, that **Deputy District Attorney Michael Kraut** raised serious questions in 1997 after two unrelated drug cases involving Perez, now the central figure in the largest police corruption scandal in city history, were dismissed.

Despite Kraut's efforts to expose Perez, senior prosecutors in the **District Attorney's** Office did not inform LAPD officials of the **deputy district attorney's** suspicions about Perez until after the officer was arrested on cocaine theft charges in August 1998, officials said.

"Obviously we are quite concerned about these revelations," said LAPD Cmdr. David Kalish, a spokesman for the department.

The **District Attorney's** Office declined to comment Sunday about the LAPD request for information, saying it had not been formally received.

The disclosure that the **District Attorney's** Office failed to immediately tell the Los Angeles Police Department about Kraut's suspicions heightened concern among several city officials who already had expressed discomfort about the course of the ongoing police corruption probe.

"We need to get more information, and we need more cooperation among all officials," City Council President John Ferraro said.

Ferraro said if Kraut did warn his superiors in writing about Perez, "then we should have been told about it."

Councilman Mark Ridley-Thomas said the report fuels his concerns about the **District Attorney's** investigation of the Rampart scandal.

Since agreeing last September to be an informant, Perez has told task force investigators that he and other officers shot at least one unarmed suspect, brutally beat several others, and routinely framed gang suspects for crimes and testified in court to send them to prison.

“There has been too little coming from the **District Attorney's** Office to let us know what's going on,” said Ridley-Thomas, who has asked **District Attorney** Gil Garcetti to brief the council on the ongoing corruption probe.

“(Kraut's warnings are) something Gil Garcetti has to address, and he has to give the public some sense that he is doing his job. The public ought to have some sense of what's going on. . . .

“The entire criminal justice system in Los Angeles County is on trial here. Mr. Garcetti has a clear role to play in putting the public at ease and causing us to have a sense of confidence in the justice system,” he said.

Other officials, including County Supervisor Zev Yaroslavsky, who has been highly critical of LAPD Chief Bernard C. Parks, and City Councilman Mike Feuer, candidate for city **attorney**, declined to comment Sunday about the disclosures.

As part of today's request, sources said, LAPD brass will seek to obtain the now infamous “Kraut memo,” a confidential memo that the prosecutor wrote in June 1997 after he was forced to drop drug charges against a defendant because of discrepancies in Perez's testimony.

Weeks later, Kraut made a second attempt to draw attention to Perez when he believed the dirty officer and his partner, Nino Durden, botched another prosecution by falsely reporting that evidence crucial to the case could not be located, sources said.

Durden, who could not be reached for comment, has been suspended pending a LAPD Board of Rights disciplinary hearing. The charges against him include the alleged evidence tampering. Kraut is expected to testify in the disciplinary hearing, which has yet to be scheduled.

The **District Attorney's** Office has been conducting an internal review of the two criminal cases that raised Kraut's suspicions to determine if senior officials handled the matter correctly.

Head **Deputy District Attorney** Sally Thomas, who has been overseeing the internal probe for several months, said she has found nothing thus far to indicate that Perez would have been nabbed earlier if the warnings were handled differently.

Despite repeated requests, Garcetti has refused to release “the Kraut memo,” insisting that it needs to remain confidential until his office's internal review has been completed.

The failure of the **District Attorney's** Office to immediately tell LAPD investigators about the possibility of Perez being dirty, based upon Kraut's concerns, has contributed to the combative relationship between Garcetti and Parks.

Last week, the Garcetti-Parks feud went public when Garcetti accused Parks of refusing to cooperate with his office. In response, Parks claimed Garcetti, who is seeking re-election, was lying about the LAPD's lack of cooperation as a political stunt to deflect criticism away from his office for moving too slowly.

Since the bitter clash, city officials, including Mayor Richard Riordan, have been trying to work out a ``gentleman's agreement" between the two law men to stop taking swipes at each other in public.

In sworn testimony to investigators, Perez has admitted that Kraut was right to dismiss the drug charges against defendant Ubaldo Gutierrez on June 16, 1997.

LAPD detectives interviewed Kraut and other prosecutors late last year about the Gutierrez case and a second case involving a dope-dealer suspect named Victor Perez. The interviews, however, were informal, and Kraut asked not to be tape recorded, sources said.

For several months, Kraut has declined to comment on his attempts to draw attention to Officer Perez in 1997.

Contacted last week, Kraut said he could not comment on either the Gutierrez or Victor Perez case because of a ``pending criminal investigation."

Based upon Officer Perez's sworn statements to investigators, at least 20 officers either have been fired or suspended, or have resigned. In addition, some 40 criminal convictions have been set aside, and hundreds more are expected to be overturned.

To date, no police officers have been indicted on criminal charges. There are no plans to conduct an office wide internal review or an outside examination of the **District Attorney's** Office.