



**REVIEW OF THE PROSECUTION OF
PEOPLE v. CURTIS BERNARD HARRIS
CASE NO. KA081214**

Findings and Recommendations

BY
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I. INTRODUCTION

A. EXECUTIVE SUMMARY

Curtis Bernard Harris murdered Monica Thomas-Harris on January 5, 2008. He then committed suicide. On December 21, 2007, Mr. Harris had been released from county jail pending sentencing to state prison in a case in which Ms. Thomas-Harris was a victim of two domestic violence related felony counts. His release was part of a negotiated settlement that was ordered by the court based upon an agreement between the prosecution and the defense. Two weeks later, in early January of 2008, defendant Harris would murder his wife in a motel room and then commit suicide.

Los Angeles County District Attorney Steve Cooley directed the formation of a panel to assess the actions and decisions undertaken by members of the District Attorney's Office.

A panel of relevant subject matter experts employed in various capacities by the District Attorney's Office was appointed to conduct the evaluation and prepare this report. The panel included individuals who recommend and formulate office policy, conduct and develop training, and provide support services for victims of crime. The following individuals were interviewed: all deputy district attorneys involved in the handling of the case, two victim service representatives involved with the case, the investigating officers, and other potential witnesses.

The review focused on the activities of district attorney personnel that led to the defendant's release. The actions of the defendant and choices made by Ms. Thomas-Harris are included only to the extent they provide context for decisions made by district attorney personnel.

This report concludes that there were various violations of office policy and errors in judgment which led to the defendant's release. The report finds a need for more accountability in disposition procedures, increased communication between prosecution team members and with their head deputies, and enhanced training in the area of domestic violence prosecution. Finally, it is imperative that there be regular communication between prosecution teams and victims to increase victim safety and prepare the in-court prosecutor with accurate and complete information to rebut claims by the defendant.

B. HARRIS CASE REVIEW PANEL

Victoria Lewis Adams has been a deputy district attorney for twenty-three years. She serves as the head deputy of the Family Violence Division of the Los Angeles County District Attorney's Office where she oversees the prosecution of specially assigned family violence cases that include domestic violence homicides, child homicides, domestic abuse, spousal rapes and child abuse charges. She also serves as the chairperson of the Los Angeles County Domestic Violence Council and of the Domestic Violence Death Review Team. She is chairperson of the Interagency Council on Child Abuse and Neglect's (ICAN) Data Committee, co-chairperson of ICAN's Operations Committee and a member of ICAN's Child Death Review Team. Previously, she served as the assistant head deputy of the Family Violence Division and at various times, as the deputy-in-charge of the Inglewood and Compton Juvenile Divisions and of the Inglewood Area Office. As a trial attorney, Ms. Adams prosecuted cases at Stuart House, a facility that utilizes a multidisciplinary approach to handling sexual assault cases in which children are the victims.

Yolanda Arnold has been a paralegal in the District Attorney's Office for twenty-two years, and has been assigned to the Family Violence Division for six years. In this capacity, Ms. Arnold is responsible for assisting the trial attorneys with their case preparation, witness coordination and securing records relevant to a case from other agencies. Ms. Arnold runs criminal histories and accesses information from the Domestic Violence Restraining Order System (DVROS), a database managed by the California Department of Justice which contains information which has been input by law

enforcement officers indicating when a protective order was issued, the parties to whom it applies, the terms of the order, and its termination date. Ms. Arnold also is responsible for staffing the Domestic Violence Death Review Team (DVDRT) Meeting. Ms. Arnold trains D.A. Paralegals on the use of DVROS and Local Rule 2.6 regarding notification to the court of restraining orders.

Pamela Booth has been a deputy district attorney for twenty-three years, after having served as a San Bernardino County Probation Officer for six years. Ms. Booth is currently the bureau director of Branch & Area Operations Region II, having been an administrator for twelve years. As a felony trial deputy, she prosecuted cases involving murder, kidnapping and other serious and violent felonies. In 1999, Ms. Booth began serving as the head deputy of the Sex Crimes Division, and thereafter was appointed as the head deputy of the Family Violence Division in 2001. Ms. Booth has been a bureau director since 2006. Ms. Booth was the chair of the Los Angeles County Domestic Violence Council from 2001-2006, a co-chair of the Los Angeles County Domestic Violence Death Review Team from 2001-2006, and currently serves as a co-chair of the ICAN Child Death Review Team.

Michele Daniels is a twenty-year veteran of the District Attorney's Office, currently serving as the head deputy of the Training Division. During her career as a prosecutor, Ms. Daniels has prosecuted cases ranging from misdemeanors to special circumstances murder cases, including domestic violence and sex crimes cases. As a member of the Career Criminal Unit, Ms. Daniels prosecuted cases against criminals who committed serious violent, serial crimes, including murder and sexual assault. Ms. Daniels has been

the deputy-in-charge at several area offices and the assistant head deputy of the Airport Branch Office.

Lori Dery has been a deputy district attorney for twenty years. She is currently the deputy-in-charge of the Santa Clarita Office. Previously, she was assigned as a special assistant to Branch & Area Operations. During her eleven years as a felony trial deputy, Ms. Dery prosecuted numerous serious cases, including adult and child sexual assaults, domestic violence, stalking, and hate crimes. In the early 1990s, Ms. Dery was assigned to vertically prosecute sexual assaults and domestic violence cases in a branch office.

Ms. Dery has prosecuted serious domestic violence cases including murder and attempted murder. As a special assistant, one of Ms. Dery's job duties was to oversee the three-day VIP (Victim Impact Program) Basic Training for new VIP deputies, as well as the training for VIP coordinators and the regular VIP coordinator meetings. Additionally, Ms. Dery disseminated information concerning relevant outside training opportunities for all VIP deputies. Ms. Dery participated in the 2006 survey of the VIP Program, and presented regular VIP reports at executive staff and head deputy meetings.

Karla Kerlin has been a deputy district attorney for eighteen years. She is currently the deputy-in-charge of the Eastlake Juvenile Office. She was previously a special assistant to Chief Deputy District Attorney John K. Spillane and Assistant District Attorney Jacquelyn Lacey. Ms. Kerlin has more than eight years of experience in the prosecution of sex crimes, child abuse and domestic violence, having served on the Sex Crimes & Child Abuse Team in the Compton Branch Office, in the Sex Crimes Division, and in the Major Crimes Division, where she prosecuted high-profile sexual assault and homicide

cases. Ms. Kerlin frequently lectures on the investigation and prosecution of sex crimes and major crimes, and serves as a faculty member for the CHILDPROOF course of the National Center for Prosecution of Child Abuse. Ms. Kerlin is currently on the Advisory Board of Peace Over Violence (formerly LACAAW – the Los Angeles Commission on Assaults Against Women) after having served as a board member for three years. Ms. Kerlin is also the chair of the City of Glendale Commission on the Status of Women.

Chandrea Parker is a senior investigator for the Los Angeles County District Attorney's Office. Ms. Parker has been a peace officer in the State of California for approximately thirteen years, having first served six years as a deputy sheriff for the Los Angeles County Sheriff's Department, followed by seven years as an investigator with the District Attorney's Office. Ms. Parker is currently assigned to the Internal Affairs Unit. Previously, Ms. Parker was assigned to several other units within the Bureau of Investigation, including the Torrance and Long Beach Branch Offices, and the Witness Assistance Section. Ms. Parker has had training in advanced criminal investigations, including training on interview and interrogation techniques, surveillance, and internal affairs investigations.

Donna Wills is a thirty-year veteran of the District Attorney's Office. She is currently assigned as the head deputy and program director of the District Attorney's Victim Witness Assistance Program, which provides advocacy services and assistance with state compensation claims for victims throughout the county. Ms. Wills has served as head deputy of the Community Prosecution Division, Central Trials-13, and was the first head deputy of the Family Violence Division. As an expert lecturer and speaker, she served on

numerous committees dealing with domestic violence, including: the State Advisory Committee on Sexual Assault, the State Advisory Committee on Domestic Violence, California Peace Officer's Standard's Training Curriculum Committee on Domestic Violence, the Los Angeles County Domestic Violence Council, and was co-chair of the Domestic Violence Death Review Team. She has prosecuted numerous felony and misdemeanor trials, including domestic violence homicides and death penalty murder cases. She has received commendations from: the Los Angeles County Association of Deputy District Attorneys, the National Black Prosecutor's Association, the Los Angeles County Board of Supervisors, the Los Angeles Women's Foundation, and Black Women Lawyers. She wrote, "Domestic Violence: The Case for Aggressive Prosecution," which was originally published in UCLA Women's Law Journal in June 1997, and re-published in other journals.

II. STATEMENT OF FACTS RELATING TO THE CRIME

A. DESCRIPTION OF VICTIM IMPACT PROGRAM

The case filed against Curtis Harris was designated a Victim Impact Program (VIP) case.

The Victim Impact Program was launched in 2001. The mission of VIP is to obtain justice for victims of crime in cases that were committed in jurisdictions covered by Branch and Area Operations, which involve domestic violence, sex crimes, stalking, elder abuse, hate crimes, and child physical abuse/endorment.

The program represents a firm commitment by the District Attorney's Office to ensure that trained and qualified deputies vertically prosecute crimes by individuals who often target victims due to the victims' vulnerability.

Each of the eleven Branches has designated an experienced deputy to act as the VIP coordinator. The duties of the coordinator include working closely with the deputies assigned to the VIP team to ensure that all cases are appropriately filed, prepared and prosecuted.

The Victim Impact Program has established procedures regarding pre-filing interviews mandated by policy in cases alleging a possible sex crime. For cases where an in-custody defendant is alleged to have committed a sex crime on an adult victim, including spousal rape, all practicable effort is made to conduct an interview with the victim prior to making a filing decision. Prior to the interview, police reports, including any incriminating statements by suspects to law enforcement agencies, are to be reviewed to determine what evidence is available to prove the elements of any offense being considered for filing.

In cases involving allegations of domestic violence-related sexual assaults, interviews are to be conducted prior to deciding whether to file domestic violence counts, sexual assault counts, request further investigation, or decline to file any charges.

In all cases involving allegations that the sexual assault occurred in a situation involving drinking or ingesting drugs by the victim, a pre-filing interview is considered essential prior to making a filing decision.

Generally, the assigned VIP deputy will vertically prosecute a case from filing to disposition, making all court appearances on the case. Occasionally, the assigned VIP deputy will be unavailable for a court appearance and another deputy will appear on the case on that deputy's behalf.

VIP deputies are trained to handle domestic violence cases. They are required to attend a two-day college concerning all VIP-category cases, within which domestic violence is included, which covers the Legal Policies Manual (LPM) filing guidelines, law enforcement responsibilities mandated by statute, victims' rights, and difficulties involving victims who are reluctant to participate in the prosecution of the case. This training is approved through the State Bar's regular Mandatory Continuing Legal Education (MCLE) program which consists of required annual legal education which all deputies must complete. The two-day college trains prosecutors on testimonial versus non-testimonial statements, as well as in useful prosecution tools for proceeding with or without a victim. The training discusses in detail the types of evidence and information the filing deputy should seek, and discusses in turn the police report, recovery of evidence, photographs, prior violent acts, victim interviews, and defendant statements.

VIP deputies are also trained on the most common domestic violence-related crimes. They are trained to seek protective orders in all domestic violence cases. In addition to the training VIP deputies receive from our office, many also attend additional Sexual Assault and Domestic Violence training seminars hosted by such organizations as the National District Attorney's Association, the California District Attorney's Association, and other reputable outside groups.

**B. BACKGROUND OF DISTRICT ATTORNEY STAFF
INVOLVED IN THE *HARRIS* CASE**

Head Deputy

The head deputy of the Pomona Branch is responsible for supervising all district attorney employees assigned to the Pomona Branch. He began his assignment in Pomona on April 23, 2007. He has been with the office for over 24 years.

Assistant Head Deputy

The assistant head deputy is responsible for providing support to the head deputy in supervising all employees assigned to the Pomona Branch. He began his assignment in Pomona on April 23, 2007. He has been with the office for nearly 30 years.

Calendar Deputy

The calendar deputy is responsible for assessing and preparing approximately 50 felony cases per day as the representative of the People on matters appearing upon the court's calendar. These cases are on calendar for a variety of reasons – arraignment, pretrial hearings, motions, jury trial, disposition, sentencing and post-sentencing. The calendar deputy began his assignment in Pomona on November 15, 2000. He has been with the office for over 27 years.

VIP Coordinator

The VIP coordinator is responsible for case assignments, victim interviews, and consultation for cases submitted to the Pomona, West Covina, and El Monte offices for felony filing consideration where the alleged criminal activity involves allegations of

domestic violence, sexual assault, child physical abuse/endorsement, child sexual abuse, hate crimes, elder abuse or stalking. He directly reports to the head deputy. He leads a trial team of five deputies tasked with the responsibility of vertically prosecuting these cases. He began his assignment as the VIP coordinator on October 22, 2007. He has been with the office for 20 years.

Assistant VIP Coordinator

The Assistant VIP coordinator provides support for the VIP coordinator in leadership of the VIP team. She began this assignment on October 22, 2007, but has been assigned to the Pomona Branch and the VIP team since November of 2005. She has been with the office for 13 years. By December, 2007, she had completed forty-three felony jury trials.

Assigned VIP Deputy

The assigned VIP deputy was designated as a VIP trial deputy in early 2007 by the former head deputy of the Pomona Branch. As a VIP trial deputy, the assigned VIP deputy carried a caseload of between 11 and 16 felony cases, conducted pre-filing interviews when appropriate, reviewed cases for filing, and had responsibility for vertically prosecuting all cases to which she was assigned. The assigned VIP deputy has been an employee of the District Attorney's Office since 1994. The first eight years of her tenure with the office was spent in the Family Support Division. In 2002, she completed a lateral transfer to a criminal assignment. By December, 2007, she had completed three felony jury trials.

VSR II

The Victim Service Representative II is a veteran with seven years of experience in the District Attorney's Victim Witness Assistance Program (VWAP). She has significant subject matter knowledge and expertise in providing advocacy services to victims, including specialized experience as a victim advocate for the District Attorney's Family Violence Division and assisting victims with protective orders. The VSR II had been assigned to the Pomona Branch for five months when the *Harris* case was filed.

VSR I

The Victim Service Representative I was newly hired into VWAP in September 2007. The VSR I was a former police officer for one year with LAPD and for several years in Japan, her native country; she had prior experience and training in dealing with domestic violence victims. The VSR I had been assigned to the West Covina Area Office for three months when she offered VWAP services to victim Monica Thomas-Harris.

C. FACTUAL CHRONOLOGY OF THE *HARRIS* CASE

The following information was obtained from the police reports and a verbal history obtained during a two-hour interview of Monica Thomas-Harris which was conducted by the assigned VIP deputy. Defendant Curtis Bernard Harris and victim Monica Thomas-Harris were married and had a child in common. During the course of the relationship, the couple moved to separate residences. Ms. Thomas-Harris, her son, and teenage daughter moved in with her parents and sister in West Covina. The defendant moved in with his mother in Chino.

Monica Thomas-Harris worked at a pet food supplier in the City of Industry. The defendant worked the graveyard shift at a packaging company in the City of Industry, which was located in close proximity to Ms. Thomas-Harris' job site. In the fall of 2007, the pet food supplier was going through a large scale recall of its products, during which time Ms. Thomas-Harris worked long hours and developed friendships with her female co-workers. Her co-workers frequently heard her conversing on the telephone with the defendant. During these conversations she often appeared to be agitated and distraught. On one occasion, co-workers observed Ms. Thomas-Harris and the defendant in the company parking lot in a heated and emotional conversation, after which she returned to work crying. Ms. Thomas-Harris had previously stated to her supervisor that she was in fear of the defendant and that if she did not show up for work and they did not hear from her, someone should look for her.

On November 16, 2007, at about 1:30 PM, Ms. Thomas-Harris arranged to meet the defendant in a park near her job. Ms. Thomas-Harris thought that they would meet, have

a discussion, and then she would return to work. Ms. Thomas-Harris said that the defendant had never been physically abusive to her but had recently displayed increasingly agitated behavior. She believed the defendant was finally acknowledging that he had mental problems and needed help.

At the park, she got into the defendant's car and they began to talk. The defendant began to obsess about their failed relationship. Ms. Thomas-Harris attempted to get out of the defendant's car. He grabbed her arm and pulled her back into the car and drove away. She began to cry.

The defendant drove her to a motel in West Covina. Ms. Thomas-Harris knew that the defendant had access to guns. Fearful that the defendant had a gun in his possession and would hurt her if she refused, she agreed to accompany him into the motel room.

Once in the room, Ms. Thomas-Harris attempted to calm the defendant by talking to him. At one point, he went into the bathroom. When he emerged from the bathroom he sat down next to her. He was able to handcuff her wrists despite her resistance. Ms. Thomas-Harris tried unsuccessfully to negotiate with the defendant to remove the handcuffs. He would not listen to reason. The defendant forced her to take a pill that he claimed was "Ecstasy" and would make her tell the truth. After a period of time with the defendant repeatedly accusing her of infidelity, she became tired and begged to be let go. He told her that if she had sex with him, he would let her go. She agreed to have sex with him and the defendant removed the handcuffs. After they had sex, the defendant returned Ms. Thomas-Harris to her car in the park and he left. Ms. Thomas-Harris went directly home and did not tell anyone about what happened, believing it was an isolated incident and not

wanting to escalate the situation. She would later tell the police that she only agreed to have sex with the defendant so that he would let her leave the motel room.

The next day, Saturday, November 17, 2007, Ms. Thomas-Harris returned to work.

When questioned by her employer about where she had been the previous afternoon, Ms. Thomas-Harris reported that she was taking care of personal business. At about 2:00 PM on that date, the defendant returned to the victim's workplace. Not wanting to create a scene, Ms. Thomas-Harris met the defendant in the parking lot. She saw that he was wearing the same clothes as the day before, and she became concerned about his welfare. Ms. Thomas-Harris asked the defendant to get in her car because she intended to get him some food. They drove away but returned shortly after having been stopped at a police checkpoint where it was discovered that her driver's license was expired. When they returned to the parking lot, they got out of the car and talked. Ms. Thomas-Harris turned to walk back to work when the conversation ended, but the defendant grabbed her, pulled her into the rear passenger seat of her car, and handcuffed her hands behind her back. He then got into the driver's seat. Ms. Thomas-Harris was able to maneuver the rear door open and get out, but the defendant got out of the car, grabbed her again, and threw her back into the rear of her car.

The defendant then went to his car and retrieved a revolver and a stun gun and brought both weapons back to Ms. Thomas-Harris' car, stating that the gun was for the police and the stun gun was for her. He further said that he was not going to go back to jail again.

The defendant drove her to various locations, at one time stopping to duct tape her legs together. He continued to accuse her of infidelity, which she denied even when

threatened with the stun gun. The defendant loosely applied duct tape to Ms. Thomas-Harris' mouth but she was able to continue to attempt to reason with him. She thought that if she lied and said that she had been unfaithful to him, he would calm down. This seemed to work and she convinced him to drive to a hospital where she hoped he would get psychiatric help. Upon arrival at the hospital, the defendant refused to go in.

Eventually, he drove her back to her worksite parking lot and released her. Ms. Thomas-Harris did not return to work and went directly home. She was not scheduled to work on the next day.

The following Monday, November 19, 2007, Ms. Thomas-Harris returned to work. A co-worker noticed that she seemed distressed and asked her if she was alright. Ms. Thomas-Harris confided in her co-worker what had happened. Upon the co-worker's advice, she told her supervisor about the events of November 16 and 17, 2007. The supervisor was supportive and encouraged her to contact the police. The supervisor went with her to the West Covina Police Department. A crime report was taken from Ms. Thomas-Harris, after which she was contacted by detectives. During the interview, the detectives suggested that Ms. Thomas-Harris participate in a tape-recorded "pretext" telephone call to the defendant in which she would attempt to obtain statements from him regarding his actions over the weekend. As patrol officers went to the defendant's address in Chino, the detectives created a script for Ms. Thomas-Harris to follow. Ms. Thomas-Harris called the defendant, telling him the way he had treated her over the weekend was wrong, and asking him why he had treated her in that manner. The defendant repeatedly said he was sorry. While Ms. Thomas-Harris was still on the phone with the defendant, but

before she asked him direct factual questions about the crimes, patrol officers arrested him at his house. Ms. Thomas-Harris was surprised and saddened by the arrest because she had hoped to get the defendant medical assistance as opposed to having him incarcerated again. At the time of the arrest, police searched the defendant's car and recovered a gun concealed in the dashboard, as well as handcuffs, duct tape and the stun gun.

D. FACTUAL CHRONOLOGY OF DISTRICT ATTORNEY HANDLING OF THE *HARRIS* CASE

The following facts were established by interviews of District Attorney employees and law enforcement personnel, in addition to the court file and police reports. All district attorney staff having a role in the prosecution of the *Harris* case were interviewed by members of the *Harris* case review panel. The interviews took place between January 2008 and February 2008.

On November 20, 2007, the detectives brought Ms. Thomas-Harris to the Pomona Branch of the Los Angeles County District Attorney's Office for a pre-filing interview with the Victim Impact Program (VIP). A detective brought a copy of the police report to the interview. The assigned VIP deputy conducted a two hour interview and assumed the vertical prosecution of the case.

On November 21, 2007, based on the interview of Ms. Thomas-Harris, the assigned VIP deputy charged the defendant with the following three felony counts:

Count 1: Penal Code § 236, False Imprisonment, occurring on November 16, 2007;

Count 2: Penal Code § 207(a), Kidnapping, with the special allegation of Use of a Deadly or Dangerous Weapon, to wit a Smith and Wesson .357, pursuant to Penal Code § 12022(b)(1), occurring on November 17, 2007; and

Count 3: Penal Code § 12021(a)(1), Ex-convict with a Gun, occurring on November 19, 2007.

The defendant had two prior felony convictions, one for Penal Code § 246.3, Negligent Discharge of a Firearm, and the other for Health and Safety Code § 11359, Possession for

Sale of Marijuana. The defendant went to state prison on both cases. These priors were alleged pursuant to several Penal Code sections. The Negligent Discharge of a Firearm was alleged under Penal Code § 1170.12(a) as a “strike.” One of the effects of this prior allegation was to double the maximum possible state prison term of exposure in the defendant’s case. The prior conviction for Negligent Discharge of a Firearm was also alleged pursuant to Penal Code §667(a)(1) as to the kidnapping charge. The effect of this prior allegation was to add five years to the maximum exposure for that count. The prior conviction involving the drug charge was alleged under Penal Code §667.5(b). This would potentially add one year state of prison to the overall sentence. Both prior convictions were also alleged under Penal Code §1203(e)(4), making the defendant ineligible for probation. The prosecution recommended that bail be set at \$205,000. The assigned VIP deputy made the decision not to file a charge of spousal rape because she did not feel that there was sufficient evidence to support this charge. Additionally, as to Count 2, she did not file the most serious gun allegation available nor did she allege the use of a stun gun. The assigned VIP deputy did not prepare a criminal court protective order to be filed with the case.

Following the filing of the above-outlined criminal complaint, the defendant was arraigned on November 21, 2007, and the matter was set for Pre-preliminary Hearing (PPH) on December 13, 2007. The PPH was scheduled to be heard in the calendar court. In many courthouses throughout the county, there are court-initiated Early Disposition Programs (EDP) designed to encourage case settlement at the earliest possible stage, in an effort to avoid additional court and transportation costs. In the Pomona Court, this

program is referred to as the Pre-preliminary Hearing program, wherein most criminal cases are sent to the calendar court for a determination as to whether a disposition can be reached on a case prior to a Preliminary Hearing. The District Attorney's Office files between 60,000 and 70,000 felony cases throughout the County of Los Angeles each year. EDP programs were created with the recognition that approximately 95% of those cases traditionally settle short of trial. EDP has been determined to be an effective time and cost-saving strategy which allows cases to reach a just resolution at an early stage in the proceedings.

On December 13, 2007, the VIP coordinator placed a disposition offer of 16 months state prison in the "Attorney Notes" section of the District Attorney file. This 16-month offer contemplated striking all weapon allegations as well as a prior conviction which would have doubled the state prison time on this case. It is unclear whether the offer was communicated to the defendant at that time, but in any event, the defendant did not plead guilty to the charges on that date.

The case was continued to December 21, 2007, for PPH / EDP. The court had previously ordered an OR report to be prepared for that date to evaluate the defendant's suitability for release on his own recognizance. The report recommended that the defendant not be released due to a variety of concerns. The concerns expressed in the OR report, which included the fact that his residential and means of support histories could not be verified, that his community and family ties were unconfirmed, that he had a history of failures to appear in court for scheduled appearances, and that he had a known criminal record

which included two prior weapons-related incidents, all led to the conclusion that the defendant's release would pose a threat to the victim and/or the community.

On that same date, the assigned VIP deputy was on a pre-scheduled vacation. The assistant VIP coordinator was in the courtroom on other matters when the *Harris* case was called. The assistant VIP coordinator assumed the responsibility for appearing on the case and obtained and reviewed the file. She conveyed the 16-month offer previously written in the file to the defense attorney. The attorney, following a series of discussions with his client, countered that the defendant would accept the offer if the prosecution would agree that he could be released for 30 days to "get his affairs in order." The defendant said he needed to attend to his mother and his home before he went away to state prison.

The assistant VIP coordinator conferred with the VIP coordinator on the counter-proposal. The VIP coordinator gave the assistant VIP coordinator approval to accept the disposition, which involved striking a prior conviction. According to office policy, a head deputy must approve striking a prior conviction of this type. Neither the VIP coordinator nor the assistant VIP coordinator sought approval for striking the prior conviction from the head deputy. The head deputy was present at the Pomona Office that day.

The defendant pleaded guilty to Counts 1 (False Imprisonment) and 3 (Felon in Possession of a Firearm) for 16 months in state prison. The defendant did not plead guilty to Count 2 (Kidnapping), nor did he admit the weapon allegation or the prior convictions.

The Judge released the defendant on his own recognizance as part of the agreed-upon case disposition reached by the prosecution and defense to permit him to put his financial affairs in order. He was ordered to return to court on January 24, 2008, to begin serving his state prison sentence. The defendant was advised that he would be sentenced to 16 months state prison if he abided by the terms and conditions of his release, but would be facing 3 years 8 months in state prison if he contacted his wife. The defendant was released from the courthouse that day. There was no attempt by District Attorney staff to notify Ms. Thomas-Harris of the disposition or of the defendant's release.

Ms. Thomas-Harris had previously registered with the Los Angeles County VINE (Victim Information & Notification Everyday) Service. On December 21, 2007, at 11:06:57 AM, the VINE Service left a recorded message on her cellular telephone voicemail advising her that the defendant had been released. VINE sent out another notification on December 21, 2007, at 1:01:15 PM. Ms. Thomas-Harris confirmed receipt of that notification by entering her PIN into the system.

After receiving the VINE notification, Ms. Thomas-Harris called the West Covina Police Department. When a clerk at the police department could not find a protective order in the system, Ms. Thomas-Harris was advised to go to the court. She spoke to court personnel who referred her to the Pomona District Attorney's Branch Office. Ms. Thomas-Harris went to the Pomona Branch that afternoon and met with the victim service representative (VSR II) who attempted to work out a safety plan with her. The VSR II summoned the VIP coordinator who also spoke with Ms. Thomas-Harris. The

VIP coordinator attempted to get a protective order on her behalf but was unable to secure the availability of a judicial officer.

On December 24, 2007, a member of the VIP team, at the direction of the coordinator and the assistant coordinator, attempted to get a protective order signed by a judge but was unsuccessful. The judge who was contacted regarding signing the protective order indicated that he could not consider the matter unless the defendant was also present or represented. The defense attorney was on vacation and unavailable until January 8, 2008.

On January 3, 2008, when Ms. Thomas-Harris did not appear at work as scheduled, her supervisor became concerned and attempted to locate Ms. Thomas-Harris, who had recently moved from the home of her parents to an apartment in Upland with her children. Ms. Thomas-Harris later called and said that she had overslept, and the supervisor told her to take care of herself. When Ms. Thomas-Harris' sister returned the call to the employer, the supervisor told her that she had spoken to Ms. Thomas-Harris. Ms. Thomas-Harris did not return to her apartment that evening.

On January 4, 2008, Ms. Thomas-Harris' family filed a Missing Persons Report with the Upland Police Department. The Upland Police Department contacted detectives at the West Covina Police Department, who then notified the assigned VIP deputy. The assigned VIP deputy elicited testimony from Upland police officers at a hearing in Pomona Superior Court that Ms. Thomas-Harris had called her teenage daughter and the daughter heard the defendant screaming in the background. The judge found that the defendant had violated the terms of release by contacting Ms. Thomas-Harris, revoked the defendant's OR status and issued a bench warrant.

On Saturday, January 5, 2008, Whittier police officers were called to a local motel by employees and discovered the bodies of Monica Thomas-Harris and the defendant in a motel room as a result of a murder-suicide.

III. ANALYSIS OF PROSECUTION EFFORTS IN THE *HARRIS* CASE

The following is a chronological statement of the facts relating to the prosecution of Curtis Bernard Harris and step-by-step analysis of the actions taken by District Attorney employees.

A. November 20, 2007

In the Pomona Branch, the VIP coordinator files the majority of VIP cases unless the case involves allegations of sexual assault, in which instance the investigating officer would call the VIP coordinator who would assign a deputy to conduct a pre-filing interview in order to determine whether there is sufficient evidence to warrant the filing of charges and the appropriate charges, if any, to be filed. The assigned deputy makes the filing decision and is subsequently responsible for vertically prosecuting the case for all purposes. In the *Harris* case, the assigned VIP deputy was the first staff member of the District Attorney's Office to have contact with Ms. Thomas-Harris, during the pre-filing interview on November 20, 2007. The VIP coordinator does not recall the investigating officer contacting him to have the case assigned. Instead, the assigned VIP deputy believes that the investigating officer contacted her directly.

Present at the pre-filing interview were the assigned VIP deputy, one of the investigating officers and Ms. Thomas-Harris. The defendant was due for arraignment or release on November 21, 2007. The investigating officer brought Ms. Thomas-Harris to the District Attorney's Office along with the police report prepared by a corporal who first interviewed her and began the investigation of the case. The investigating officer did not

have a copy of her partner's report or a tape of the pretext telephone call for the assigned VIP deputy's review. The assigned VIP deputy skimmed through the available police report but did not read it thoroughly before or during the pre-filing interview of the victim. The interview lasted approximately two hours. During the interview, the assigned VIP deputy asked Ms. Thomas-Harris about the allegations of rape, as well as the forced movement and restraint of her by the defendant. At the conclusion of the interview, the assigned VIP deputy informed Ms. Thomas-Harris that charges would be filed. The assigned VIP deputy recalls looking for the VSR II to assist Ms. Thomas-Harris with victim services, but said that the VSR II was not in her office.

The assigned VIP deputy verbally asked the investigating officer to conduct further investigation by going to the various locations where the defendant had taken Ms. Thomas-Harris during the course and scope of the kidnapping. A verbal request was also made to attempt to recover any available surveillance tapes or statements from other witnesses. The assigned VIP deputy did not memorialize this request in writing. Neither the assigned VIP deputy nor the investigating officer took notes during the interview, nor did the assigned VIP deputy request the investigating officer to complete a report to document the interview.

In statements provided by Ms. Thomas-Harris at the time of the pre-filing interview, she was consistent in reporting that the reason she had agreed to have sex with the defendant was her desire to be released from the motel room, but she termed this agreement as *consent*. Ms. Thomas-Harris went so far as to say that the defendant would have believed that she was consenting to have sex with him. The assigned VIP deputy had minimal

experience in prosecuting adult sex crimes cases and had never previously been asked to evaluate for filing a spousal rape case. Rather than researching the issue to determine if agreeing to have sex under such duress was legal consent, the assigned VIP deputy determined that a spousal rape charge should not be filed.

B. November 21, 2007

The following morning, November 21, 2007, the assigned VIP deputy consulted with the assistant VIP coordinator on whether to file the kidnapping count. There was no discussion regarding filing a spousal rape charge as the assigned VIP deputy had already concluded that the sex charges should not be filed; therefore, no research was done on the issue. The assistant VIP coordinator assisted the assigned VIP deputy with legal research on the kidnapping issue. The assigned VIP deputy then completed the filing documents and statement of facts.

The assigned VIP deputy told the investigating officer at the time of the pre-filing interview that she felt the defendant was likely to kill the victim unless he was incarcerated. However, the assigned VIP deputy failed to document this essential information anywhere in the file, nor did she share her impressions with her chain-of-command or colleagues. The assigned VIP deputy did not complete a written request for a protective order. She did not give any special instructions to the calendar deputy for arraignment. She did write the next court date on the District Attorney file.

The assistant VIP coordinator recalls having a discussion with the assigned VIP deputy on November 21, 2007, regarding whether charges should be filed against the defendant.

The assistant VIP coordinator had recently been appointed to her position before the events of the *Harris* case. She had previously served as a member of the VIP team in the Pomona Branch but did not have training or experience as a supervisor. After briefly discussing the facts of the case with the assistant VIP coordinator and expressing some concerns about Ms. Thomas-Harris' commitment to participating in the prosecution of the case, the assigned VIP deputy decided to file charges.

The calendar deputy appeared at the arraignment that same day, but had no independent recollection of the case. The calendar deputy's writing does not appear on the file on November 21, 2007. There is a date entry on November 21, but it appears to be the assigned VIP deputy's writing. The case was set for pre-preliminary hearing on December 13, 2007.

C. December 3, 2007

On December 3, 2007, the VSR I, who was assigned to the West Covina Area Office, was called by Ms. Thomas-Harris, who was inquiring about possible reimbursement for relocation expenses and requesting assistance with dealing with a bill from the hospital that had conducted the sexual assault examination. The VSR I ran her name in the computer system in an attempt to determine if a case had been filed, but could not locate any case in the VWAP data system.

The VSR I asked the investigating officer for a letter supporting the allocation of relocation fees. The investigating officer wrote a letter on behalf of Ms. Thomas-Harris and faxed it to the VSR I on December 4, 2007. The VSR I attempted to contact Ms.

Thomas-Harris by telephone on December 17, 2007, and left a message on voicemail requesting that she come in to fill out the application for victim services and relocation reimbursement. Ms. Thomas-Harris never returned the VSR I's call and relocation funds were never disbursed. The VSR I made notes in the computerized VWAP data system. She did not contact the VSR II in Pomona regarding this case.

D. December 13, 2007

The case was set in court on December 13, 2007, for Pre-preliminary Hearing. The assigned VIP deputy did not give any specific instructions to the calendar deputy who was making the appearance. The assigned VIP deputy said that she was handed the file by the calendar deputy on December 13, 2007, in the morning, but that she was engaged in trial on another case so she did not have time to handle the matter. She said then she handed the file to the VIP coordinator and requested an offer. She does not recall having a detailed conversation with the VIP coordinator. The assigned deputy said that she left and went to court and never saw the *Harris* file again until January 2008. The assigned VIP deputy knew that she would be on vacation on the next calendared date but did not take any steps to arrange for another deputy to appear for her on the case.

The VIP coordinator does not recall discussing the *Harris* case with anyone before December 13, 2007. The VIP coordinator recalls being requested to make an offer on the *Harris* case on that date by the assigned VIP deputy. He recalls discussing the case in some detail with the assigned VIP deputy. He did not read the police reports and did not personally discuss the case with Ms. Thomas-Harris or the investigating officer. He

believed, based on the information provided by the assigned deputy, that the case was problematic. He wrote in the District Attorney file an offer of 16 months in state prison for a plea to Counts 1 and 3 of the Complaint. He knew this would mean dismissing a serious and violent felony and the gun use allegation. Further, the VIP coordinator knew that a strike would have to be stricken and that no time would be imposed for any of the defendant's prior convictions. He believed that the disposition would hold the defendant accountable for the actions that could be proved and that this disposition, if accepted, would be a better alternative to the possibility of the case getting dismissed at the preliminary hearing. The VIP coordinator said that he knew he was not authorized to strike a strike, but assumed that the assigned deputy would receive permission from the head deputy. He also assumed that the assigned deputy would notify Ms. Thomas-Harris, and would inform law enforcement of the disposition.

The calendar deputy's writing appears on the file on December 13, 2007, when the case was continued until December 21, 2007, for a second Pre-preliminary Hearing. Inside the District Attorney file on the "Attorney Notes" sheet, is an entry dated December 13, under the VIP coordinator's written offer, indicating the defendant pled guilty. That entry is crossed out; it appears to be in the calendar deputy's handwriting, but he has no independent recollection of making that entry. The calendar deputy does not recall conveying the offer. He is sure, however, that there was no motion to release the defendant from custody made at that time because such motions are rare and even more rarely granted by the judicial officer in that court.

E. December 21, 2007

The assigned VIP deputy was on vacation on December 21, 2007. She did not arrange for any other deputy to appear on the case for the hearing scheduled on that date.

On December 21, 2007, the assistant VIP coordinator made appearances for other VIP deputies in addition to her own appearances, as a number of VIP team members were on vacation due to the Christmas holidays. The assigned VIP deputy never asked the assistant VIP coordinator to stand in for her on December 21, nor did she tell the assistant VIP coordinator her concerns that the defendant would kill Ms. Thomas-Harris.

While the assistant VIP coordinator was in court on December 21, the defense attorney approached her and indicated that the defendant wanted to accept the offer that had been extended. The assistant VIP coordinator did not have the file and believes that she went to the assigned VIP deputy's office to get it. The assistant VIP coordinator read the Statement of Facts and the "Attorney's Notes" page in the District Attorney's file and skimmed the police reports. She noted the offer and assumed it had been properly vetted and approved by all relevant parties.

The defense attorney asked her if the defendant could plead to just Count 3, but the assistant VIP coordinator rejected the counter-offer and said the defendant must also plead to the domestic violence-related charge in Count 1. The defense attorney went into the lock-up to speak to his client and then returned and stated that the defendant would plead guilty to Counts 1 and 3 for 16 months in state prison, but that his client wanted to be released pending sentencing to "get his affairs in order." The assistant VIP coordinator rejected this counter-offer. The defense attorney went back to his client and

then returned to the assistant VIP coordinator and said that Ms. Thomas-Harris was recanting and had made up some of the allegations to avoid getting in trouble at work. He added that the defendant needed to sell property so that his elderly mother would be taken care of during his period of incarceration.

The assistant VIP coordinator had a copy of the OR report prepared by the Probation Department that recommended against the defendant's release.

The assistant VIP coordinator considered the statements of the defense attorney and the information previously provided to her by the assigned VIP deputy. She called the VIP coordinator and asked his opinion about the case. Both of them were of the opinion that the factual difficulties presented by the possibility that Ms. Thomas-Harris would either fail to appear in court or recant her prior statements, an opinion formed by statements previously made by the assigned VIP deputy and seemingly supported by the current statements of the defense attorney, warranted the steps necessary to secure a plea to Count 1 and Count 3 for the state prison sentence of 16 months. The two concurred that the defendant could be released on his own recognizance (OR) pending sentencing.

The assistant VIP coordinator signed the written waivers and verbally took the plea. She indicated to the court that both the prosecution and defense agreed to the OR release of the defendant. The defendant was released from custody at around 11:00 AM. The assistant VIP coordinator did not notify Ms. Thomas-Harris or the investigating officer of the defendant's plea or release. The assistant VIP coordinator was not at work in the afternoon when Ms. Thomas-Harris came to the District Attorney's Office.

On December 21, 2007, in the afternoon, Ms. Thomas-Harris went to the Pomona Branch of the District Attorney's Office seeking information about the case against the defendant. She spoke with the VSR II, appearing distraught and concerned that the defendant had been released from custody without District Attorney personnel notifying her. The VSR II was not aware of the *Harris* case, but brought Ms. Thomas-Harris into her office to get the basic facts and attempt to assist her. Once she had located and familiarized herself with the case file, the VSR II attempted to help Ms. Thomas-Harris formulate a safety plan. The possibility of going into a shelter or staying with relatives was discussed. Ms. Thomas-Harris declined the offer to go to the shelter because she needed to continue to work to support her children, but requested a copy of the protective order in the court file. After learning that a protective order had not been issued in the *Harris* case, the VSR II notified the VIP coordinator that there was no protective order currently in place. The VIP coordinator completed a form and told Ms. Thomas-Harris that he would attempt to get it signed and get a copy of it to her. The VSR II gave the victim her contact information. The VSR II entered notes of her meeting with Ms. Thomas-Harris into the computer under the VWAP data system and noted that another advocate had previously attempted to contact Ms. Thomas-Harris. She did not discuss this with Ms. Thomas-Harris, who had already left the District Attorney's Office at the time the information was discovered.

The VIP coordinator was in his office in the afternoon when Ms. Thomas-Harris appeared in the Pomona Branch of the District Attorney's Office. The VSR II requested that he speak to Ms. Thomas-Harris, who was upset about not being notified of the

release of the defendant earlier in the day. Ms. Thomas-Harris was also concerned because there did not appear to be a protective order in place. The VIP coordinator assumed that there was a protective order and asked the VSR II to go to court to get a copy of it. When he learned that there was no protective order, the VIP coordinator filled out the form and attempted to get a judge to sign it, but no judges were available. He advised Ms. Thomas-Harris that he would follow-up on Monday and make every effort to get the order signed by a judge. The VIP coordinator encouraged her to take safety precautions over the weekend. He left the protective order form for the assistant VIP coordinator to have signed, since the VIP coordinator would not be at work on December 24, 2007.

F. December 24, 2007

On December 24, 2007, the assistant VIP coordinator found a copy of a protective order on her desk. The VIP coordinator also called the assistant VIP coordinator to remind her to have the protective order signed. He told the assistant VIP coordinator about his conversation with Ms. Thomas-Harris. On December 24, 2007, the assistant VIP coordinator was responsible for all of the filings for the VIP team. She was unable to leave her desk to have the protective order signed. She asked another VIP deputy to have the court sign the protective order. Neither the assistant VIP coordinator nor the VIP deputy who was assigned to attempt to get the protective order signed knew if the assigned VIP deputy was available to make the appearance.

The VIP deputy had other appearances in court, so she took the *Harris* case file with her. The VIP deputy asked the court to put the matter on calendar. The clerk advised the VIP deputy to talk to the judge first, since the matter was not on calendar and another judge had handled the matter previously. The VIP deputy believed that she would be in a better position to get the protective order signed if there were documentation that the court on December 21, 2007, had ordered the defendant to stay away from Ms. Thomas-Harris. The VIP deputy asked the court clerk to print out a minute order from the December 21, 2007, proceedings. There was no stay-away order mentioned in the minutes. The VIP deputy approached the judge off of the record. As she began to ask for the protective order, the court inquired as to why the defense attorney was not present. The VIP deputy informed the court that the defense attorney was on vacation. The court indicated he did not want to engage in a discussion unless both parties were represented. The VIP deputy returned the file to the assistant VIP coordinator without making any notes in the file. She told the assistant VIP coordinator what had happened in court and then did not hear more about the *Harris* case until January 4, 2007, when she became aware that the assigned VIP deputy asked the court to revoke the defendant's OR status. The assistant VIP coordinator recalls speaking to the assigned VIP deputy after the plea. The assigned VIP deputy was on vacation on December 21, 2007, but returned to work on December 24, 2007. On that date, the assigned VIP deputy stated that she did not check on the status of the case or speak to anyone regarding what had transpired in her absence. There is some conflict in this regard as the assistant VIP coordinator recalls speaking with the assigned VIP deputy about the case sometime shortly after December

21, 2007. The only day in December after the plea where both the assistant VIP coordinator and the assigned VIP deputy were both at work appears to have been December 24, 2007.

G. January 2008

The assigned VIP deputy stated that she learned of the defendant's OR release from the investigating officer on January 3, 2008. She was notified by the investigating officer on January 4, 2008, that Ms. Thomas-Harris was missing. She contacted her head deputy and, after consulting with him, went to court to seek a revocation of the defendant's OR. The motion was granted and a warrant for the defendant's arrest was issued. The assigned VIP deputy kept in contact with Upland police officers and West Covina police officers as they attempted to locate Ms. Thomas-Harris. On Saturday, January 5, 2008, the assigned VIP deputy was advised that the defendant and Ms. Thomas-Harris had been found at a Whittier motel. She spoke to a member of the Whittier Police Department in an attempt to get further information on the status of Ms. Thomas-Harris. Later in the evening, the assigned VIP deputy learned that both were dead, apparently in a murder/suicide. The assigned VIP deputy immediately notified her head deputy. After Ms. Thomas-Harris was murdered, her family came to the District Attorney's Office and spoke to the VSR II. She offered the family assistance with burial expenses. The VSR II was present when the assigned VIP deputy, the assistant VIP coordinator and the head deputy spoke to the family and explained the actions that each had undertaken in the case.

H. Availability of Supervisors

The head deputy was at work on all relevant days as outlined in the procedural history, yet was not apprised of the events surrounding the *Harris* case until January 4, 2008, when Ms. Thomas-Harris was reported missing. He did not approve the striking of a strike on this case. He delegates his authority to strike a strike to the assistant head deputy when appropriate.

The assistant head deputy was at work on November 20 and 21 and December 13 but was on vacation from December 19, 2007 through the January 1, 2008. He was not apprised of the *Harris* case until January 4, 2008. He did not approve the striking of a strike.

**IV. EMPLOYEE ADHERENCE TO DISTRICT ATTORNEY
POLICIES AND PROCEDURES**

A. PRE-FILING INTERVIEWS IN DOMESTIC VIOLENCE CASES

Under Legal Policies Manual (LPM) Section 4.02, a pre-filing interview should be conducted when necessary to establish charges. Also, under this section, a pre-filing interview shall be conducted in domestic violence cases involving sexual assault. LPM 2.02.03 provides that in certain cases, such as domestic violence and sexual assault, the prosecutor should, if possible, interview witnesses whose later cooperation is doubtful or whose credibility and demeanor are crucial to the outcome of the case. Such interviews should be recorded. Pursuant to both Penal Code § 679.02 and LPM 4.02, a domestic violence victim shall be notified of his/her right to have both a counselor and a support person present during a law enforcement, district attorney, or defense interview.

In this case, a pre-filing interview was conducted on November 20, 2007, the day before the case was filed. **The victim was not advised of her right to have a counselor and support person present during the pre-filing interview. This failure is a violation of both Penal Code § 679.02 and LPM 4.02.** Additionally, the pre-filing interview was not recorded in any fashion and neither the assigned VIP deputy filing the case nor the detective took notes. The detective did not prepare a follow-up report regarding the interview. Although not a requirement under LPM 4.02, the decision to not make a recordation of the substance of the pre-filing interview was not prudent in light of the facts presented to the assigned VIP deputy at the time of filing.

B. VICTIM SERVICES REPRESENTATIVE REFERRAL

LPM 4.02 provides that, where possible, victim advocates should provide assistance to victims of domestic violence; those services should be made available as soon as possible. In felony domestic violence cases, a copy of the police reports shall be forwarded to the victim advocate. No time frame is given for compliance with this policy. LPM 24.01 provides that a victim services representative (VSR) should be notified immediately upon the filing of a domestic violence case.

Special Directive (SD) 94-05 states that whenever a felony domestic violence case is filed, copies of the police reports shall be forwarded to the appropriate VSR. At the same time, the deputy assigned to vertically prosecute the case shall notify the appropriate VSR of the filing. The VSR shall contact the victim by phone or letter within three days after filing of the complaint.

At the time the case was filed on November 21, 2007, the assigned VIP deputy failed to notify a VSR. Rather, the deputy provided a business card with contact information for the VSR II to Ms. Thomas-Harris at the conclusion of the interview. The assigned VIP deputy did not subsequently notify the VSR II of the referral nor did the assigned VIP deputy forward copies of the police reports to the VSR II.

On December 3, 2007, Ms. Thomas-Harris contacted law enforcement to seek clarification about a bill for her sexual assault examination. At this time, she was referred by the law enforcement agency that filed the case to the VSR I. She was also encouraged to speak to the VSR I about other services available through VWAP. After speaking with Ms. Thomas-Harris, the VSR I began processing a claim to reimburse her

for her relocation expenses. On December 17, 2007, the VSR I left a message for Ms. Thomas-Harris requesting that she come in to fill out paperwork necessary to receive reimbursement funds, but never heard back from her.

On December 21, 2007, Ms. Thomas-Harris received notification through the Sheriff's VINE program that the defendant had been released from custody. To verify the defendant's custody status, she called the West Covina Police Department where she spoke with a records clerk and a sergeant. The sergeant suggested to Ms. Thomas-Harris that she contact the court to seek a protective order. Ms. Thomas-Harris contacted the court and was referred to the Pomona Branch of the District Attorney's Office. She then went to the Pomona Branch District Attorney's Office where she met the VSR II. This was the first contact between the VSR II and Ms. Thomas-Harris.

The failure of the assigned VIP deputy to directly refer the case to a VSR and to send the police reports to the VSR II was a violation of LPM 4.02, 24.01, and SD 94-05.

C. FILING THE WEAPON ENHANCEMENT

In this case, the weapon enhancement was alleged pursuant to Penal Code § 12022(b), use of a deadly and/or dangerous weapon. This enhancement would have imposed a potential one additional year to the maximum sentence. The pleading text of the Penal Code § 12022(b) allegation referenced a "Smith & Wesson .357" handgun. As only a handgun was referenced, it does not appear that the assigned VIP deputy was adding an enhancement for the stun gun which the defendant also used.

The use of a handgun during the commission of a kidnapping supports a weapon enhancement within the meaning of Penal Code § 12022.53. This enhancement would have carried a potential sentence of ten years consecutive to any state prison term imposed for Count 2 (arrived at by adding 2 x the base term of 3, 5 or 8 years in state prison given the strike allegation plus a 5-year enhancement for the serious felony allegation.) Alternatively, a weapon enhancement could have been alleged pursuant to Penal Code § 12022.5, which would have added a consecutive term of 3, 4 or 10 years of imprisonment to the term for the underlying charge.

The assigned VIP deputy erred in filing the weapon enhancement pursuant to Penal Code § 12022(b), as opposed to Penal Code § 12022.53 or Penal Code § 12022.5, either of which would have carried a greater maximum penalty. In considering an offer on a case, the person with the authority to do so generally calculates the maximum sentence before making a determination as to the appropriate offer at that time in the proceedings. Since any calculation based upon a Penal Code § 12022(b) allegation would have resulted in a maximum sentence that was less than what was possible using either a

Penal Code §12022.53 or Penal Code §12022.5 allegation, the offer was likely lower than it might have been had the enhancement been correctly alleged. There is no record of anyone who reviewed the file during the pendency of the case who noted that the incorrect weapon enhancement was alleged. In addition to the assigned VIP deputy, other attorney staff reviewing the file and making court appearances on the case included the calendar deputy, the assistant VIP coordinator, and the VIP coordinator.

D. VERTICAL PROSECUTION

Vertical prosecution refers to the handling of a case for all purposes from filing to final disposition by a specially-trained deputy assigned to handle that case. The concept of vertical prosecution envisions the specially-assigned deputy to directly coordinate all aspects of the preparation of the case for trial or disposition. Through vertical prosecution, communication between the District Attorney's Office and all parties involved in the case is enhanced as a result of the assigned deputy acting as a stable contact point. The deputy assigned to vertically prosecute a domestic violence case has the responsibility of working closely with law enforcement, the victim, witnesses, experts in the field of domestic violence, victim advocates and other prosecutors in the pursuit of a just conclusion in the case. This deputy is expected to make all court appearances on the case absent unusual circumstances. In a case with allegations of spousal rape, the VIP deputy assigned is expected to conduct a pre-filing interview with the victim and the investigating officer from the law enforcement agency presenting the case for filing. LPM 12.10 references a "deputy assigned to vertically prosecute a felony domestic violence case . . .," however, the LPM offers no further statement of policy regarding when or for which domestic violence cases vertical prosecution should or shall be warranted. (See also LPM 4.02 and 12.10.01.) Special Directive 94-05 provides that all felony domestic violence cases shall be vertically prosecuted by deputy district attorneys who have received specialized training in the prosecution of domestic violence. The LPM, which was significantly revised in 2005, does not specifically incorporate all

procedures and policies listed in this Special Directive as being the current policy of the office.

In this case, the assigned VIP deputy had specialized training in the prosecution of domestic violence cases. There is, however, a question as to whether this case can be considered to have been vertically prosecuted. The assigned VIP deputy conducted the pre-filing interview and filed the case. She did not, however, make the subsequent court appearances at the arraignment and plea on November 21, 2007, or at the Pre-preliminary Hearings on December 13 and 21, 2007.

Further, it does not appear that the assigned VIP deputy properly arranged for others to make her court appearances in her absence while she was unavailable in trial or on vacation. The assistant VIP coordinator who was in court for the plea was not asked to appear on the case by the assigned VIP deputy. Rather, the assistant VIP coordinator happened to be in court when the case was called on December 21. As a fellow VIP team member, the assistant VIP coordinator located the file and subsequently made the court appearance. While there was a brief Statement of Facts in the file, the DA case file did not contain any notes written by the assigned VIP deputy about the case. The only notes in the "Attorney Notes" section of the file prior to the date of the plea involved an offer approved by the VIP coordinator on December 13, 2007. Further review of the file also revealed that at least one follow-up report prepared by the investigating officer and the recording of the pretext telephone call were missing from the District Attorney File.

E. PROTECTIVE ORDERS

LPM 12.10.02 discusses the terms and condition of probation that are to be sought in the event a defendant is placed on probation in a domestic violence case. Among these is a criminal court protective order that, at minimum, directs the defendant not to contact, harass, or annoy the victim. The LPM requires that the filing deputy prepare a written order to be included in the court file and that a copy must be given to the victim and the defendant. No mention of the use of the protective order form is discussed elsewhere in the LPM. No General Office Memoranda or Special Directives on protective orders were located.

In 1997, an office memorandum entitled, "Protocol for the Issuance of Criminal Domestic Violence Protective Orders in the Central Judicial District" was disseminated in the Central Judicial District as well as to the Family Violence and Sex Crimes Divisions. This memorandum sets forth the procedures for the appropriate issuance and expeditious routing of criminal domestic violence protective orders. This memorandum states that the filing deputy shall complete a protective order at the time of filing, and make a notation on the statement of facts that a protective order has been prepared. In the procedures set forth, the arraignment deputy is responsible for presenting the order to the court for signature, and thereafter distributing the copies as appropriate (i.e. to the court clerk, victim, defendant, etc.) If not signed at arraignment, the policy is to seek a signature at subsequent court appearances. It is not clear as to how widespread the distribution of this memorandum was within the office.

The standard practice in the Family Violence and Sex Crimes Divisions is that a protective order is to be prepared at the time of filing in all appropriate cases. The order is then presented to the court at arraignment and plea. Materials provided in training also recommend this as a best practice. This practice has also been the subject of training at a Saturday Seminar and VIP coordinator quarterly meetings, and is part of the VIP Basic Training course.

In this case, the assigned VIP deputy failed to complete a protective order at the time of filing. The calendar deputy who stood in for her at the arraignment and plea did not submit a protective order to the court. At no time thereafter did the assigned VIP deputy prepare a protective order. While taking the plea from the defendant on December 21, 2007, the assistant VIP coordinator also failed to submit a protective order to the court. Only when the victim came into the District Attorney's Office following the defendant's plea on December 21, 2007, to find out about the defendant's release from custody did the VIP coordinator attempt, with negative results, to secure a protective order.

F. BAIL / RELEASE ON OWN RECOGNIZANCE

Pursuant to LPM 8.02.01, when a judge grants or denies bail or a release on a person's own recognizance (OR), the reasons for that decision shall be stated on the record and included in the court's minutes. LPM 8.19.01 states that deputies shall oppose inappropriate OR releases. Further, the LPM provides that a deputy district attorney shall be present at all OR motions in felony cases.

Penal Code § 1270.1(a)(1) through (4) provides that before any person who is arrested for a serious or violent felony, or other enumerated offenses relating to domestic violence, can be released on bail in an amount that is either more or less than the amount contained in the bail schedule, or released on his own recognizance, a hearing shall be held in open court. (See LPM 8.07.02.)

Penal Code § 1319(a) provides that no person arrested for a violent felony may be released on his own recognizance until a hearing is held in open court with notice to the prosecution and a reasonable opportunity to be heard. (See LPM 8.19.01.) Penal Code § 1319(b) states that in making the determination as to whether or not to grant a release under this section, the court shall consider the report prepared pursuant to Penal Code § 1318.1, and any other information presented by the prosecuting attorney. Under Penal Code § 1319(c), the court shall state the reasons for its decision on the record and the report shall be placed in the court file.

Penal Code § 1319 states that a defendant who is charged with a violent felony (P.C. § 667.5(c)) shall not be released OR where it appears, by clear and convincing evidence,

that he had been previously charged with a felony offense and had willfully and without excuse from the court failed to appear in court while the prior case was pending.

Penal Code § 273.84(a) states that any prosecutorial office that is a recipient of Spousal Abuser Prosecution Program (SAPP) grant funds must exert all reasonable efforts to resist the pretrial release of a defendant charged as a spousal abuser. This office is a recipient of SAPP grant funds.

In this case, at the time of filing on November 21, 2007, the bail was set at \$205,000. On December 21, 2007, pursuant to a negotiated case settlement between the prosecution and the defense, the assistant VIP coordinator agreed that the defendant could be released OR pending sentencing. Prior to making this agreement, the prosecutor called the VIP coordinator to discuss the OR release. Ultimately the VIP coordinator and assistant VIP coordinator agreed that the defendant could be released OR, subject to the court's approval.

The assistant VIP coordinator who took the defendant's plea on December 21, 2007, was in possession of a Pretrial Services Report that had a recommendation of "unfavorable" for an OR release. The report stated:

The defendant's unverified residential and means of support histories, unconfirmed community and family ties, and FTA [failure to appear] history in his known criminal record strongly suggest unreliability for court return. Two prior weapons-related incidents (one with prison term) could suggest, along with the instant matter circumstances, that the defendant's release would pose a threat

to the victim and or community (no I/O comment available). For these noted negative factors the defendant appears unsuitable for release OR.

After the defendant entered his plea of guilty, the court released the defendant on his own recognizance. The court did not hold a hearing in open court and did not specifically state the reasons for the OR release on the record. The court did state, "Pursuant to the plea disposition, you are released on your own recognizance pending [the sentencing date.]"

The OR release in this case was granted without adherence to statutory mandates or office policy as the defendant was charged with a violent felony, and with an offense related to domestic violence. Furthermore, the court failed to hold an open hearing in accordance with Penal Code §§ 1270.1 and 1319. The assistant VIP coordinator did not insist upon an open hearing, as the release was part of the negotiated case settlement. Further, the OR report, which was reviewed by the assistant VIP coordinator, had a recommendation of "unfavorable" based upon an analysis of the defendant's record and history. The defendant had a "FTA history," and he was charged with a violent felony. Further investigation was warranted to verify the representations made by defense counsel to determine if the defendant was an appropriate candidate for an OR release under Penal Code § 1319.

The assistant VIP coordinator had a duty to oppose an inappropriate OR release. Not only did she not oppose the release, she agreed to it as part of the negotiated case settlement. **As such, the assistant VIP coordinator violated LPM 8.19.01.**

G. DOCUMENTING “ATTORNEY NOTES” IN CASE FILES

LPM 11.03.05 states that, in order "[t]o assist other deputies who will handle a case, a preliminary hearing deputy must record all opinions, conclusions, recommendations, settlement offers and events in the case file. Attorney notes should include witness insights, stricken allegations, dismissed counts and possible defenses."

In this case, while there was a brief Statement of Facts contained in the file, the only notation contained in the “Attorney Notes” section of the District Attorney Case File was an offer written by the VIP coordinator dated December 13, 2007. There were no other notes or comments, and specifically, no notes from the assigned VIP deputy as to the pre-filing interview, her impressions of Ms. Thomas-Harris, or her concerns about the danger the defendant posed to her. The Statement of Facts also failed to contain sufficient detailed information concerning these key areas. The assistant VIP coordinator who took the plea on December 21, 2007, made notes of what transpired in court on that date, but had no notes other than the plea offer to review prior to the negotiated case settlement.

This failure of the assigned VIP deputy to properly document her opinions, conclusions, recommendations, and events in the case file is a violation of LPM 11.03.05.

H. SELECTION OF CHARGES FOR CASE SETTLEMENT

LPM 12.03 states that "[i]n all felony cases, a defendant must plead guilty to the provable charge(s) that most accurately describe his/her criminal conduct." LPM 12.03.01 states "[a] defendant must plead guilty to every provable felony listed in Penal Code § 1192.7 that is separately punishable under Penal Code § 654." Further, LPM 12.03.03 provides that a defendant must admit all prior felony conviction allegations and any special conduct enhancement allegations involving weapons, great bodily injury, age of victim, and other factors (not relevant here), or deputies must vigorously litigate these allegations.

LPM 12.03.04, in part, requires prior head deputy or deputy-in-charge approval when a defendant pleads guilty to a charge or charges that could result in less than the maximum sentence, or when a deputy strikes a special enhancement or prior conviction as part of a case settlement in a matter involving a serious or violent felony. This section was purported to be superseded by Special Directive 06-06, insofar as that section requires the preparation of a Disposition Report in nearly all felony cases. That Special Directive is silent, however, as to whether the prior supervisory approvals remain in effect.

In this case, one issue which exists is whether the kidnapping charge in Count 2 was a provable charge. **If it was, then the defendant did not plead guilty to every provable charge in the complaint. Further, the defendant did not admit all prior felony convictions alleged or the weapons enhancement.** The negotiated case settlement offer was a plea to counts 1 (False Imprisonment) and 3 (Felon in Possession of a Firearm) in exchange for a sentence of sixteen months in state prison. The defendant only admitted

the prior conviction as to Count 3 insomuch as it provided the basis for the charge itself, but not as a strike, as it was also alleged. **Additionally, there was no head deputy approval for this disposition as required, although the offer was made by the VIP coordinator. As such, the disposition of the case did not comply with the requirements of LPM 12.03, 12.03.01, 12.03.03, and 12.03.04.**

I. SETTLEMENT OF A CASE INVOLVING DISMISSAL OF A STRIKE

LPM 12.05 requires that the dismissal of a strike prior be sought only after obtaining head deputy approval. In this case, an offer of sixteen months state prison in exchange for a plea to Counts 1 and 3 was extended. This was the offer written on the “Attorney Notes” page of the file as approved by the VIP coordinator. In this case, an offer of 16 months would have been possible only without admission of the strike prior. No notes in the file indicate that this offer was approved by the head deputy. The head deputy stated that he had not approved this disposition and specifically had not approved the striking of a prior strike conviction. On occasions where the head deputy is unavailable, the authority to strike a strike is delegated to the assistant head deputy. The assistant head deputy was interviewed and stated that he had not authorized a strike to be stricken in this case. The assistant head deputy stated that he delegated authority to strike a strike to the VIP coordinator. The head deputy did not understand this to be the case; neither did the VIP coordinator.

The VIP coordinator assumed that the assigned VIP deputy would seek the necessary head deputy approval to strike the strike. The assistant VIP coordinator assumed that the offer had been placed in the file after the necessary approvals had been sought from the head deputy. Head Deputy approval was not obtained. **The Three Strikes Policy was violated.**

**J. SETTLEMENT OF A CASE INVOLVING AN ARMED
OR VIOLENT OFFENDER**

LPM 12.09 requires that "[d]efendants charged with felonies involving violence and/or weapons listed in Penal Code § 1192.7 must plead guilty to every count and admit every enhancement and special allegation sufficient to expose them to the maximum sentence." In the *Harris* case, the defendant was charged with a serious and violent felony and with a weapons enhancement. Nevertheless, a negotiated case settlement was reached without requiring a plea to every count and an admission to every enhancement and allegation. Thus, the maximum sentence was not reached.

LPM 12.09.01 requires head deputy or deputy-in-charge approval for any departure from this policy prior to a case disposition, and then only for certain enumerated reasons. The first itemized reason is for insufficient evidence to prove the charge, enhancement, or special allegation. A head deputy may delegate the approval for dispositions made under this section to a deputy district attorney IV – such as a VIP coordinator. It should be noted, however, that the VIP coordinator in this case was a Grade III. It is not an uncommon occurrence, however, for experienced Grade III deputies to perform Grade IV functions when filling an assignment such as calendar deputy or VIP coordinator.

In this case, no head deputy approval was sought for a disposition that was for less than the maximum sentence. Despite the fact that the VIP coordinator had the authority to make offers on most cases, he was not authorized to strike a prior strike conviction. **For this reason, the negotiated case settlement was in conflict with established District Attorney's Office policy.**

K. FELONY SENTENCING IN DOMESTIC VIOLENCE CASES

LPM 12.10.01 requires that a deputy assigned to vertically prosecute a felony domestic violence case must vigorously seek a state prison sentence or one year in the county jail if the court grants probation. While there was no Penal Code § 273.5 charge in the *Harris* pleading, the relationship of the parties and the facts of the case fall within the domestic violence arena and are, therefore, subject to the domestic violence policies of the LPM. As a state prison sentence was being sought, the felony sentencing policy set forth in the LPM was followed regarding this component.

Pursuant to LPM 13.07, a state prison sentence is warranted in domestic violence cases when the defendant used a firearm or any dangerous or deadly weapon in the commission of the crime, the defendant inflicted serious or great bodily injury, or the defendant's prior record establishes a pattern of escalating criminality because of the frequency and seriousness of prior offenses. In this case, the defendant used a firearm and had a prior record which established a pattern of escalating criminality. Thus, a state prison sentence was properly sought in compliance with this office policy.

V. VICTIMS' RIGHTS

A. DUTY TO COMMUNICATE WITH CRIME VICTIMS

LPM 12.15.01 states that:

In the settlement of a serious case, a decision not to pursue one or more counts and/or allegations charged, particularly those involving physical or mental trauma or great financial loss, can have far-reaching negative effects on the victim. If not handled appropriately and carefully, a dismissal or case settlement can leave a victim with the belief that a criminal wrong has not been redressed. A victim may feel angry, resentful, vulnerable and abandoned. A traumatized victim of a serious crime may be shocked to discover, after the fact, that we have dismissed the count pertaining to that victim or settled it for a lesser charge. Deputies cannot expect victims to readily appreciate, without an explanation, the problems of the law of search and seizure, mental defenses, and the limitations on consecutive sentencing.

Pursuant to Penal Code § 679.02(a) and LPM 12.15.01, victims of violent felonies (Penal Code § 667.5(c)) have a right to be notified of a pretrial disposition. Before settling a felony case, a deputy must attempt to notify the victim before a plea is entered. If it is not possible to notify the victim of a disposition before a plea is entered, the deputy must ensure that notification is made later, either by our office or by the Probation Department. LPM 24.02 requires that deputies inform interested victims of the reasons for declining to charge, charging lesser offenses, settling a case, or taking any other action in relation to that particular case. LPM 24.08 states that deputies shall explain and discuss proposed case settlements with victims, and communication with the victim shall be made as soon

as possible. Penal Code § 679.02(a)(12) and LPM 24.08.01 require that, in violent felony cases, the deputy district attorney shall notify the victim of a pending pre-trial disposition before a change of plea is entered.

Pursuant to Penal Code § 1191.1 and LPM 9.05.04 and 13.03.02, deputies must allow the victim a reasonable opportunity to attend all sentencing proceedings in both felony and misdemeanor cases. A deputy may not agree to a case disposition that denies the victim an opportunity to be present at the sentencing hearing. In any case in which a court is contemplating immediate sentencing, the deputy must remind the court of its statutory obligation to contact the victim to allow them to be present at the time of sentencing.

Penal Code § 679.02(a)(12) states that in a case in which a violent felony is charged, the victim has the right to be notified of a pending pretrial disposition before a change of plea is entered before a judge.

In this case, the assigned VIP deputy did not record any discussions she had with Ms. Thomas-Harris regarding the initial charge selection. The investigating officer who was present in the room for the pre-filing interview stated that there was a discussion with Ms. Thomas-Harris regarding the charges that would be considered for filing in the case. Thereafter, the disposition was not discussed with her prior to the change of plea on December 21, 2007. She was not present in court at the time of the plea on December 21, 2007, and was not made aware of the fact that the defendant was going to be released from custody.

After the defendant's plea was taken on December 21, 2007, the sentencing hearing was continued to January 28, 2008. The assistant VIP coordinator did not attempt to contact

Ms. Thomas-Harris to discuss the case disposition. When she learned of the disposition on December 21, 2007, after going to the District Attorney's Office, she was visibly upset. At Ms. Thomas-Harris' request, the District Attorney staff first began efforts, with negative results, to secure a protective order on that date.

When the assigned VIP deputy returned to work on December 24, 2007, she stated that she did not take any steps to locate her file and see what had transpired on the case in her absence. The assigned VIP deputy did not discuss the disposition with Ms. Thomas-Harris because she stated she did not know the offer that had been placed in the file to resolve the case.

The failure to communicate with the victim as outlined above is a violation of LPM 24.02, 24.08, 24.08.01 and Penal Code § 679.02(a)(12).

B. ATTENDANCE OF A VICTIM AT SENTENCING

Pursuant to LPM 13.03.02, deputies must allow the victim a reasonable opportunity to attend all sentencing proceedings. A deputy may not agree to a case disposition that denies the victim an opportunity to be present at the time of sentencing. In any case in which a judge is contemplating immediate sentencing, the deputy must remind the judge of the deputy's statutory obligation to contact the victim to allow that person to be present at sentencing.

In this case, while the plea was entered on December 21, 2007, the sentencing hearing was continued to January 28, 2008. **Although Ms. Thomas-Harris was finally informed of the disposition on December 21, 2007, after the fact, there is no evidence that she was given a reasonable opportunity to attend the sentencing hearing by being advised of the future sentencing date.**

VI. RECOMMENDATIONS

District Attorney personnel handling VIP cases are routinely called upon to make decisions and exercise discretion under recurring circumstances that have potential consequences as significant and tragic as those which occurred here when Curtis Bernard Harris murdered Monica Thomas-Harris before killing himself.

It is therefore essential that individual VIP personnel possess the highest degree of knowledge, skill, and proficiency possible. To this end, the District Attorney's Office will immediately implement the following policies and procedures to develop and ensure maintenance of those traits:

A. **Increased Training, Information and Support**

The District Attorney's Office will conduct a thorough evaluation of the Victim Impact Program. The skill level of the assigned VIP deputies will be assessed to determine their ability to prosecute those serious cases. Applications or recommendations for assignment into VIP will be carefully reviewed. The office will also assess the staffing levels of the individual VIP teams.

- The District Attorneys' Office will seek to identify training needs and **provide more training, information, and support** for the deputies assigned to prosecute VIP cases.
- The office will **create a formal VIP Operations Manual** which will include relevant office policy, best practices, and procedures.

- All newly assigned VIP coordinators will receive training and information from the former VIP coordinator. **When a transition of leadership occurs for the VIP team, a formal period of transition will be established** during which essential information about the policies and protocols in place for the team and critical case information will be conveyed.
- **All newly assigned VIP deputies will receive professional support and appropriate training and instruction** from their VIP coordinator in the first year of their new assignment.

B. Increased Communication

The District Attorneys' Office will facilitate better communication between VIP team members.

- It will be mandated that **thorough written documentation at all stages** of the proceeding be included as part of the case file.
- Communication between team members will also be enhanced by **requiring written instructions for the appearance deputy** when a prosecutor assigned to a particular case cannot be present in court.
- To enhance communication with fellow team members and managers, a **uniform approach to writing a Statement of Facts** at the time of filing a VIP case will be adopted. It shall contain the defendant's criminal history, facts regarding the circumstances of the offense, strengths, weaknesses and possible defenses, and in

the event of a pre-filing interview, impressions of the victim, so that any deputy reviewing a file can appropriately assess the case.

The District Attorney's Office will also facilitate better communication with victims of crime.

- To enhance our communication with victims, we will seek resources to ensure that **a Victim Services Representative is assigned to each VIP unit** throughout the District Attorney Branch Offices.
- VIP deputies will be required to have **regular contact with victims after each court appearance** to keep them abreast of the next court date.
- VIP will be **required to share any important occurrences on the case** and attempt to build rapport and maintain good relationships with the victims in each case.
- VIP deputies will be required to make every effort reasonably possible to **notify victims and law enforcement *before* offers are tendered or defendants are released**. If prior notification does not occur, notification shall be made as soon as practicable following the court appearance.

C. Increased Accountability

All VIP deputies will receive enhanced orientation regarding the expectations of their role as members of a VIP team.

- **The importance and expectations for performance of true vertical prosecution, case settlement policies, and written notification mandates will be contained in the VIP Manual and directly and explicitly conveyed to each deputy responsible for a VIP caseload.**
- The District Attorney's Office has determined that **domestic violence cases are not proper cases for the Early Disposition Program** or similar programs aimed at a quick resolution to a case. Domestic violence cases commonly require time to fully investigate. A premature evaluation of cases of this nature may result in grossly inaccurate assessments with the potential for outcomes that compromise a just resolution to the cases and might compromise the safety of the victims. To that end, it will be our office policy that we will object to any request to have these cases go to early disposition courts except in unusual circumstances. In such circumstances, the reason for agreeing to send the case through the early disposition process will be documented in the case file.
- The District Attorney's Office will now require that **all authorizations necessary for case disposition be documented in written form using a disposition report prior to an offer being placed in the file.** The head deputy authorization to strike a strike shall be obtained and noted in the file in conjunction with the entry of the disposition offer.
- The District Attorney's Office will **require deputies to complete a criminal court protective order form at the time a case is filed for any appropriate**

victim or witness in a case involving a sex crime, elder abuse, stalking, child abuse or domestic violence.

VII. CONCLUSION

The release of defendant Curtis Bernard Harris was the ill-fated result of a confluence of questionable individual decisions and actions by otherwise well-intentioned, dedicated prosecutors, supervisors, and victim services support staff. A lack of communication between members of the prosecution team exacerbated the situation as key information was not in the hands of the crucial decision-makers at the right time.

The District Attorney's Office expects each of its employees to adopt and maintain a commitment to the highest standards of professionalism. To that end, this office is fully committed to training, supporting, and implementing procedures and practices so that all of its employees may perform at their best.

District Attorney's Office Director Pamela Booth, a well-recognized expert on domestic violence, was quoted in the January 9, 2008, *Los Angeles Times* stating:

“99% of our domestic violence cases don't end in violence.

. . . But 100% of the cases have that potential.”