



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF ADMINISTRATIVE SERVICES

GEORGE GASCÓN • District Attorney

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

26 March 23, 2021

CELIA ZAVALA  
EXECUTIVE OFFICER

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

March 23, 2021

Dear Supervisors:

**AUTHORIZE THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
TO EXECUTE A CONTRACT WITH A SPECIAL PROSECUTOR  
TO INVESTIGATE, PROVIDE RECOMMENDATIONS,  
AND PROSECUTE POLICE MISCONDUCT CASES  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

The Los Angeles County District Attorney's Office (DA) requests authority to enter into a contract and hire a special prosecutor to assist the DA in investigating, providing recommendations, and prosecuting cases of police misconduct at the direction of the DA.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Authorize the DA, or his designee, on behalf of the County of Los Angeles (County), and in consultation with County Counsel, to execute and if necessary, terminate a contract, with a Special Prosecutor, Lawrence S. Middleton, effective upon execution, for a term of four years with the option to extend for an additional four one-year options, to serve as a Special Prosecutor to assist the DA in investigating, providing recommendations, and prosecuting cases of police misconduct at the direction of the DA.
2. Authorize the DA, or his designee, upon his determination and as necessary and appropriate, to approve and execute amendments to incorporate necessary changes within the scope of work and to suspend work, execute the four one-year options, and add, delete, or otherwise change provisions in the agreement based on the nature of the services if, in the opinion of the DA or his designee, it is in the best interest of the County to do so, subject to review and approval by County Counsel.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to continue the County's commitment to criminal justice. Newly elected District Attorney Gascón has led the growing movement of progressive prosecutors. To that end and acknowledging concerns raised by law enforcement officials, civil rights attorneys, activists, and others, the DA has committed to reevaluating fatal officer-involved shooting cases previously declined for prosecution. To promote public confidence in the decision-making process and the outcome of any such investigations, the DA has determined the need for a Special Prosecutor to reevaluate, and if the facts support it, to criminally prosecute any officers whose actions unlawfully caused the death of the victims in those cases. The Special Prosecutor will take all actions necessary to investigate, and if warranted by the evidence, prosecute on behalf of the DA any potential criminal activity by law enforcement officers in the designated cases at the direction of the DA. This will be a positive step in rebuilding relationships in our community.

Lawrence S. Middleton is well qualified to fulfill the services of a Special Prosecutor on behalf of the DA for the following reasons, among others:

Mr. Middleton has more than thirty years' experience as a trial lawyer and as a manager and supervisor of complex criminal cases, including as a federal prosecutor with the United States Attorney's Office for the Central District of California, where he served as Chief of the Criminal Division, Chief of the Public Corruption and Civil Rights Section, and Chief of the Public Corruption and Government Fraud Section. Mr. Middleton was one of four attorneys who prosecuted the federal civil rights case against four LAPD officers charged with violating the constitutional rights of Rodney King, for which he received the Attorney General's Distinguished Service Award. He has investigated and successfully prosecuted law enforcement misconduct cases involving local, state, and federal law enforcement officers.

### **Implementation of Strategic Plan Goals**

Approval of the recommended action is consistent with the Los Angeles County Strategic Plan, Goal No. 1, Make Investments that Transform Lives: Aggressively address society's most complicated social, health, and public safety challenges and be a highly responsive organization capable of responding to complex societal challenges – one person at a time; Goal No. 2, Foster Vibrant and Resilient Communities: Develop comprehensive, place-based plans to reduce violence in high-needs communities experiencing high levels of violence; and Goal No. 3, Realize Tomorrow's Government Today: Be an innovative, flexible, effective, and transparent partner focused on public service and advancing the common good.

**FISCAL IMPACT/FINANCING**

Funding of up to \$750,000 for the contract is included in the DA's Fiscal Year 2020-21 Final Budget. Not including Fiscal Year 2020-21, all future years' budgets will not allocate more than \$1,500,000 annually for the term of this contract.

Total expenditures under the contract will vary from year to year based on the needs of the DA subject to the financial limits above. The DA is responsible for ensuring it has adequate funding in its operating budgets prior to requesting and approving services under the contract.

**FACTS AND LEGAL REQUIREMENTS**

The District Attorney has the exclusive discretion to determine which cases to investigate and prosecute and may delegate his discretionary duties to other attorneys. The contract is authorized pursuant to Government Code sections 26500.5 and 31000.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This program does not propose attorney staff augmentation. Therefore, the DA is not subject to the Board Motion of December 15, 1998, requiring clearance with the Alternate Public Defender, Probation, Public Defender, and Sheriff's Departments.

**CONCLUSION**

Following Board approval, it is requested that the Executive Officer, Board of Supervisors return two copies of the adopted Board letter with original wet signatures to, Mr. Tony Sereno of the District Attorney's Office at 211 West Temple Street, Suite 200, Los Angeles, California 90012.

Any questions may be directed to Mr. Sereno at (213) 257-2774 or at [tsereno@da.lacounty.gov](mailto:tsereno@da.lacounty.gov).

Respectfully submitted,



GEORGE GASCON  
District Attorney

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c: Executive Officer, Board of Supervisors

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March 23, 2021  
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Chief Executive Officer  
County Counsel