

## 2004 JOSEPH P. McCLURE AWARD

“Investigator of the Year”

NOMINEE: **JOHN SMITH,**  
SENIOR INVESTIGATOR  
LOS ANGELES COUNTY DISTRICT ATTORNEY’S  
OFFICE, BUREAU OF INVESTIGATION

ASSIGNMENT: MAJOR CRIMES SECTION

DATE: JUNE 4, 2004

### **SKILLS AND KNOWLEDGE**

John received his Bachelor of Science degree from the California State University at Los Angeles in 1986. He graduated with a degree in Business Administration. He began his law enforcement career with the Inglewood Police Department in 1990. John worked with the Inglewood Police Department for 9 years. He excelled in a variety of assignments. The following is a list of his assignments as an Inglewood Police Officer:

- Patrol (field training officer - FTO)
- Special Weapons and Tactic (SWAT) team
- Self Defense Instructor
- Anti-Crime Team (ACT) (Gang Unit)
- First Aid and CPR Instructor

On June 19, 1999, John joined the District Attorney’s Office, Bureau of Investigation. His assignments include the following:

- Witness Assistance
- Santa Monica and Airport Branch Offices
- Central Investigations
- Welfare Fraud Investigations
- Asian Gangs
- Major Crimes Section (current assignment)

In order to properly describe the dedication and level of skill and knowledge demonstrated by Investigator Smith, it might be useful to examine the responsibilities required in his current assignment in the Major Crimes Section.

The Major Crimes Section is considered one of the elite units in the Los Angeles County District Attorney's, Bureau of Investigation. The objective of the Major Crimes Section is to minimize the intrusion and effect of major organized criminal activity and terrorism in Los Angeles County. Investigators assigned to this unit are expected to be proficient in investigative and surveillance techniques. They are expected to maintain liaison with local, state, and federal agencies in order to promote and encourage the free exchange of information leading to the initiation of major investigations and prosecutions.

The Major Crimes unit provides investigative assistance to outside law enforcement agencies and Bureau units involved in organized crime, major crimes, and terrorism. Investigators also provide pre-trial investigative assistance to the attorneys in the Major Crimes, Organized Crime and Narcotics Divisions, as needed. Investigators assigned to the Major Crimes Section are largely considered among the best in the office. That being said, Investigator Smith has distinguished himself as "the best of the best."

Supervisors and co-workers in the Bureau, including myself, have come to rely on Smith's outstanding investigative skills, dedication to the job and his willingness to help anyone at anytime. I've selected a few examples of the extraordinary accomplishments of Investigator Smith over the past year. I think you'll agree that Investigator John Smith is an incredible talent.

Recently, John began collecting intelligence on the notorious Asian organized crime syndicate known as the Wah-Ching. His attention was focused on Wah-Ching gang leaders ("Dai- Los") operating in Los Angeles County. He identified a "Dai-Lo" named Sunny Chang after watching KTTV news footage of Chang admitting his involvement with the Wah-Ching crime syndicate. John began to develop a profile on Sunny Chang. In his usual style, he left no stone unturned. One of the things he included in his profile was a list of all prior court cases involving Sunny Chang. He discovered that Chang had been implicated in a 1992 murder investigation. LAPD's Robbery/Homicide Division (RHD) arrested Chang for the murder, but the charges were subsequently dropped. John began his own investigation of the murder case. The following is a brief description of the circumstances surrounding this case:

On August 20, 1992, the victim, Mr. In Jik Lee was working as an unlicensed taxi cab driver in Korea town. The victim was dispatched to pick-up a fare which turned out to be defendants Kenny Lee and Sunny Chang. The defendants were driven by the victim to an area near Beverly Boulevard and New Hampshire Street in Los Angeles, whereupon defendant Chang pointed a gun at the victim and demanded the taxi cab (in an apparent car jacking). A struggle for the gun ensued causing it to discharge. A bullet from the gun struck suspect Chang in the leg. As a result, defendant Lee, who was seated in the back seat of the taxi cab, pulled out his gun and executed the cab driver with one shot to the back of his head. Defendant Lee dragged the victim out of the taxi and left him on the street. Defendant Lee got into the vehicle and drove suspect Chang to an apartment in Monterey Park. Suspect Chang was subsequently taken to Monterey Park Hospital to be treated for the bullet wound to his leg. Defendant Lee took the stolen taxi cab to East Los Angeles and set it on fire.

Defendant Kenny Lee was tried and found guilty by a jury of one count of first degree special circumstance murder, and one count of first degree robbery, with special allegations of personal use of a firearm. Lee was sentenced to life without the possibility of parole. The case against Chang was dismissed due to the unavailability of witnesses (a critical witness for the prosecution had fled to Taiwan to avoid testifying). The case against Chang lay dormant for several years.

John became intrigued at the thought of breathing new life into this “cold case.” It was a formidable challenge for any investigator, but John was up to the task. His investigation quickly heated up when he discovered that the witness who had fled to Taiwan (years ago) to avoid testifying against Chang, had returned to the United States. John found the witness and persuaded him to provide a tape-recorded interview implicating Sunny Chang in the murder of the taxi cab driver. Amazingly, John was able to convince this former Wah-Ching member to cooperate with law enforcement, and in doing so, John was able to identify two other witnesses who could link Chang to the murder. Both witnesses were documented Wah-Ching members. Once again, John was able to do the impossible. He was able to locate, interview, and convince these gang members to cooperate in the prosecution of a Wah-Ching Dai-Lo (Sunny Chang). Both witnesses provided tape-recorded interviews implicating Chang in the murder.

On September 11, 2003, after months of investigation, John had collected enough evidence to substantiate the filing of a felony complaint, charging suspect Sunny Chang with the 1992 (special circumstance) murder of victim In Jik Lee. The case was filed and a warrant was issued for the arrest of Sunny Chang.

John had done the impossible, but his work was far from over. He discovered that Chang had been a fugitive from justice since 1999. There was a “no bail” warrant issued on Chang for a violation of his state parole conditions. Agents from the California Department of Corrections and from the United States Marshals Fugitive Task Force had been looking for Chang for more than four years. Through some incredible investigative work and many long hours, John was able to find Chang in less than two months. Chang had altered his physical appearance and was living under an assumed name with a wife and small child. Because of John’s investigative prowess and tenacity, a violent, power-hungry gang leader is in custody and the victim’s family can look forward to seeing justice work against both of the cowards responsible for the senseless killing of their loved one. This was an awesome example of investigative skill. It’s hard to imagine topping these accomplishments in a twelve month period. But, if you know John, you begin to believe that anything is possible.

The following is an example of John’s ability to do the impossible: John was assigned to offer pre-trial assistance on a 2000 murder case. The case involved the killing of a truck driver during the commission of a cargo “highjack” robbery. LAPD detectives identified one of the suspects in the murder/robbery as Rolando Rodriguez, a documented “18<sup>th</sup> Street” gang member with ties to the Mexican Mafia. John was asked to do basic pre-trial investigative work on the case (interviews, subpoena service, document retrieval,

etc.). Again, in his usual style, he did more than was asked of him. He started by finding a key witness that LAPD had been unable to locate. He interviewed this witness and determined that he had valuable information regarding the crime and other potential witnesses. He also discovered that the witness had been threatened by the defendant's brother, Juan Luis Rodriguez ("Gato Gordo"). Juan Rodriguez is also a documented "18<sup>th</sup> Street" gang member. "18<sup>th</sup> Street" gang members are a notoriously violent and ruthless street gang operating in Central Los Angeles. Many of these members are known Mexican Mafia associates. The gang is known for using witness intimidation tactics to prevent witnesses from testifying against them in court. John immediately began the process of insuring that the witness was relocated. He then prepared documentation to support the filing of a criminal complaint against Juan Rodriguez for witness intimidation. He also determined that Juan Rodriguez had an Immigration hold. He organized the execution of a search warrant at Juan Rodriguez's residence. He utilized investigators from the Los Angeles County District Attorney's Office and agents from the Immigration and Customs Enforcement Unit (ICE) to enforce the warrant on this reputed gang member's apartment. The search revealed evidence useful to the murder investigation. There was also live ammunition found in Juan Rodriguez's possession. This resulted in an additional charge filed against Rodriguez (felon in possession of ammunition).

This was excellent work, but John was not done. John was able to identify two new witnesses who implicated defendant Rolando Rodriguez in the murder of the truck driver. One of the witnesses identified Juan Rodriguez (defendant's brother – now in custody – thanks to John) in the murder. The witness also mentioned a third unidentified suspect.

Armed with this information, John was in full gear. He began efforts to identify the third suspect. In the meantime, he learned that his new star witness had received a threat from an "18<sup>th</sup> Street" gang associate named Ruben Contreras. John discovered that Contreras also had an Immigration hold. John prepared documentation to support authorization for a Ramey warrant on Ruben Contreras, alleging witness intimidation. Investigators from the District Attorney's Office and agents from ICE and the Cargo Theft Task Force were involved in the arrest of Contreras. During the interview of Contreras, John found out that Contreras had two handguns stashed away at a friend's place of business. John determined the location of the handguns and managed to get consent to confiscate the weapons. One of the weapons was reported stolen from Tulare County, in Central California. Both weapons are being tested for ballistic evidence possibly linking them to the murder of the cargo truck driver.

John has recently identified the third suspect in the cargo theft murder. This suspect is believed to be currently in the Central or Northern California area. John has taken this four year old murder investigation to new levels. He has also sent a strong message to "18<sup>th</sup> Street" gang members and their associates. The message is that law enforcement will not tolerate acts of witness intimidation. And, that violators can and will be prosecuted and jailed for their conduct. Once again, Investigator Smith has done the impossible. Convincing witnesses to agree to testify against "18<sup>th</sup> Street" gang members has been a difficult endeavor, because of their violent reputation. John has somehow

managed to persuade several witnesses in this case to come forward. This accomplishment is nothing short of amazing, and is further testament to the incredible job that Investigator Smith does everyday.

In November of 2003, Investigators from the District Attorney's Organized Crime Section began an undercover operation in an attempt to dismantle a Eurasian Organized Crime burglary ring. The undercover operation was developed after countless hours of planning by investigators. The burglary ring was involved in commercial burglaries throughout California and Nevada. The monetary loss from the burglaries attributed to this ring is estimated to be in the millions of dollars. The organization was also involved in the sale and distribution of counterfeit tobacco products with suspects who have ties to the Middle East.

The undercover operation consisted of a warehouse leased by our office, converted to look like a storage facility for legitimate and illegitimate tobacco products and counterfeit video recordings. Investigator Smith was one of our undercover operatives, posing as a partner in an illegal tobacco distribution business. Several "controlled buys" of counterfeit and/or stolen cigarettes were conducted by Smith and his partner. John and his partner were able to identify and then gain the trust of the burglars and distributors involved in the burglary ring. The excellent undercover skills of John and his partner were critical to the success of the operation.

On January 21, 2004, a joint operation was developed between our Organized Crime Section and the Los Angeles Police Department (LAPD), Commercial Crimes Division. A "buy-bust" plan was developed, in which suspects from the burglary ring would deliver 100 cases of stolen cigarettes to our undercover warehouse for a price of \$125,000.00. The cigarettes were just a portion of approximately 900 cases stolen from a warehouse just two weeks prior in the city of Sylmar, California. The estimated loss in that burglary was approximately one million dollars. Investigator Smith's expert undercover performance helped to facilitate the "buy-bust" plan.

Just as John and his partner had arranged, the suspects delivered the stolen cigarettes to the undercover warehouse. LAPD SWAT personnel were utilized for the takedown of the suspects after the products were delivered to our undercover operatives. The investigation resulted in the arrest of five key members of the burglary ring. These suspects were charged with burglary, receiving stolen property, sales and distribution of counterfeit tobacco products, counterfeit tax stamping and conspiracy.

This undercover investigation put a major dent in the operation of this organized crime effort. It would not have been possible, without the convincing undercover performance of Investigator Smith. Once again, John quietly emerges as the hero.

On April 1, 2004, John was assigned to assist Michigan State Troopers with an arrest warrant of a suspect wanted in their jurisdiction for home invasion robbery and felon in possession of a firearm. Michigan State Troopers received information that the suspect

was possibly in the Inglewood, California area. Within two days, John had located the suspect in an Inglewood motel.

The suspect was contacted by Investigators from the Los Angeles County District Attorney's Office and arrested without incident. This represents another violent criminal taken off the street, thanks to John's fine work. The Michigan State Troopers were amazed at the speed in which their fugitive was captured. It's just another example of the accomplishments of Investigator Smith during this past year.

There are several other high profile cases, which were handled by Investigator Smith during this past year, and over the course of his career in the District Attorney's Office. Rather than list all these cases, I thought it would be useful to list a few comments from deputy district attorney's and other law enforcement professionals who have worked with John:

**Deputy District Attorney Darrell Mavis  
Los Angeles County District Attorney's Office**

*"Investigator Smith has assisted me on two high profile Major Crimes cases during the past year. One of the cases was a twenty year old murder case (People versus Stacey). John single-handedly turned around both cases. He has a talent for locating critical witnesses and getting them to talk. He accomplishes things that most other investigators cannot. He is the best."*

**Unit Supervisor John M. Weidner, Fugitive Apprehension Team  
California Department of Corrections**

*"John is an incredible investigator. I have worked with him on several cases in the past year. He works whatever hours are necessary. He has provided us with information, based on his investigations and expertise, which has enabled us to violate violent repeat offenders. He is the hardest working cop I know."*

**Deputy District Attorney May Chung  
Los Angeles County District Attorney's Office**

*"John is the best district attorney investigator that I have ever worked with. The work he did on the Sunny Chang investigation was unbelievable. He is definitely self-motivated and proactive. He is the cream of the crop."*

**Deputy District Attorney Greg Dohi  
Los Angeles County District Attorney**

*"Smith is a human blood-hound; he puts his heart and sole into every case. He is always looking for ways to make each case better. He is one of the best investigators I have ever*

*worked with. He is more than deserving of recognition for his work. He has assisted me on several cases, one of which was a twenty plus year old murder conviction that the appellate court had overturned. Because of John's incredible efforts in finding key witnesses, coupled with his ability to persuade the witnesses to cooperate in our case, the defendant pled to a sentence requiring 23 additional years in custody."*

**Lieutenant Michael Stevens  
Los Angeles County District Attorney's Office  
Bureau of Investigation**

*"Because of his vast experience in use of force, Investigator Smith was asked to testify for the defense in the recent trial of Inglewood Police Officers Jeremy Morse and Bijan Darvish. Morse and Darvish were accused of excessive use of force during a traffic stop. The videotape of the event was played over and over on television news networks throughout the country. Investigator Smith was in an awkward situation with his position as an investigator for the District Attorney's Office and a former member of the Inglewood Police Department. Investigator Smith was obviously concerned with what some might think of his testimony. Because of his high ethical values, Investigator Smith testified based on his expert opinion that the officers were within the use of force policies. My compliments to Smith for standing strong during a difficult situation."*

**Chief G. Steve Simonian  
Los Angeles County District Attorney, Bureau of Investigation**

*"John Smith is a one man police agency."*

## **PERSONAL AND PROFESSIONAL ACCOMPLISHMENTS**

Investigator Smith has thirty (30) years of formal training in martial arts and has a 3<sup>rd</sup> degree Black Belt in Karate, Aikido and Judo. He served as a self-defense instructor for the Orange County Sheriff's Academy, the Department of Justice, the Rio Hondo Police Academy and the Inglewood Police Department. He taught self-defense to instructors at the California Association of Force Instructors.

During Investigator Smith's 14 year career in law enforcement, he has made significant contributions to the law enforcement community. The following is a list of noteworthy contributions:

- Prepared seven training manuals while employed with the Inglewood Police Department
  1. Emergency Defensive Impact Weapons
  2. Defensive Tactic update course for SWAT
  3. Integrated Use of Force Training
  4. Self Defense Orientation
  5. Two-hour defensive tactics update for patrol

6. Eight-hour FTO program
7. Officer Safety and Field Tactics Training Program

- Instructor for the Department of Justice (DOJ), Medi-Cal Fraud units
- Instructor for DOJ Dignitary Protection Team
- Self Defense and Riot Training Instructor for Inglewood P.D and other South Bay Police Departments in the South Bay Mutual Aid Response Platoon
- Use of Force speaker for the Citizens/Youth Academy
- Volunteer as a Self Defense Instructor for non-sworn personnel for the city of Inglewood
- Speaker at local schools regarding SWAT and Police issues
- District Attorney's Defensive Tactics training officer
- Authored the District Attorney's current Use of Force Policy
- Developed District Attorney's Use of Force training curriculum
- Serves on District Attorney's Emergency Response Team (ERT) - tactical field unit

John has spent a great deal of his time sharing his vast martial arts experience with brother law enforcement officers and with civilians. There is no doubt that his efforts have contributed to the overall safety, preparedness, and confidence of police officers and to the general well being of the public. Once again, he has proven his unparalleled value to the law enforcement community and to the citizens we serve.

John is married with three children. He spends his off-duty hours with his family. He coaches his eight year old daughter's basketball team at the local Community Center. He has coached his two boys in their many athletic endeavors, including baseball, basketball and martial arts training. John and his family participate in community events such as the Neighborhood Watch Program and local Parks and Recreation activities. For over 10 years, John taught martial arts to community children at the World Shorin-Ryu Karate-Do Association facility in Los Angeles. The organization's goal was to teach community kids self defense, self respect, and self discipline. I'm certain that hundreds of local children benefited by John's involvement with the association and his caring and thoughtful guidance.

John has received several letters of commendation for his work in international (law enforcement) relations. For the past five years, The Los Angeles County District Attorney's Office has welcomed a representative from the Japanese Prosecutive Assistant Investigative Divisions. John has been selected each of the past five years to represent our office in hosting the Japanese representatives. John does a remarkable job with this project. He spends a month with each representative. The goal of the program is to preserve a positive international law enforcement relationship. The Japanese consulate has recently requested that John be allowed to visit Japan for the purpose of providing investigative training to their prosecutive assistants.

## **PEER RECOGNITION**

John is well respected and liked by everyone in our office. His co-workers often seek out his input to assist them in their investigations. All of the deputy district attorney's assigned to the Major Crimes Division are thrilled with his performance. John has gained the trust and respect of numerous other law enforcement officers from within the intelligence and law enforcement communities throughout the State.

## **COMMENDATIONS AND AWARDS**

During his law enforcement career, John has received numerous commendations from deputy district attorney's, supervisors, other law enforcement agencies and the public for a variety of issues from saving the life of a non-breathing baby during an Inglewood patrol assignment to his professionalism during high profile investigations in the District Attorney's Office. Some of these commendations are attached to this nomination letter.

Investigator Smith has received the following awards within the past year for his exemplary performance:

- The Association of Los Angeles Deputy Sheriff's (ALADS) Exemplary Performance Award (*awarded February 6, 2004 for his integrity and character in testifying for the defense as a use of force expert in the case against Inglewood Police officers Jeremy Morse and Bijan Darvish*)
- Commendation Award issued by the Los Angeles County Sheriff's Department (*awarded June 3, 2004 for his work in a very high profile solicitation for murder case, involving the victim in the Kobe Bryant case*)

## **CONCLUSION**

Investigator John Smith is one of the most talented investigators that I have had the pleasure of knowing. He is a man of integrity and personal conviction. This was never more evident than when he testified for the defense in the Jeremy Morse – Bijan Darvish (police misconduct) case. John found himself right in the middle of a racially charged political firestorm. John had trained many of Inglewood's police officers on their "use of force" policy. Now, he was employed with the agency charged with the responsibility of prosecuting these officers for allegedly violating that policy. John didn't believe, given the circumstances, that the officers were in violation of department policy.

A lesser man would have yielded to the pressure and compromised his beliefs to avoid the risk of personal ridicule and embarrassment. John stepped forward, when other men would have stood quiet. He did so, because it was what he believed was the right thing to do. In a year filled with examples of John's investigative genius and tenacity, I am more proud of this demonstration of personal conviction and courage, than anything else. Whether you agree with his assessment of the circumstances involved in the

Morse/Darvish case, or not, you have to admire and applaud his courage in standing-up for what he believed to be true and just.

Throughout John's career in law enforcement, he has performed his duties with integrity and loyalty to his profession. He demonstrates exemplary knowledge and skill in investigative technique and resourcefulness. He displays a personal commitment and care for the law enforcement community, as well as the civilian community. He effectively balances his duties as a loving husband and dedicated father with his demanding career path. He distinguished himself as one of the few investigators to file an original jurisdiction murder case (as the investigating officer) in the history of the Los Angeles County District Attorney's office. Remarkably he is poised to duplicate that accomplishment by filing on the two co-conspirators in the previously mentioned cargo theft murder.

I am fully aware of the level of talent and "lifetime accomplishment" found among CDAIA members. I know that, like every year, this will be a difficult process for the selection committee. I believe that John, throughout the course of his career, and especially over the past year, has exhibited characteristics deserving of recognition. With this application, including letters of commendation, you will find examples of heroism, integrity, commitment, community involvement, investigative skill, and family loyalty. These are attributes that are representative of a candidate for such a prestigious yearly achievement award. He has had an unbelievable year. He is an unbelievable talent. I am honored to nominate Senior Investigator John Smith for the 2004 Joseph P. McClure Award for "Investigator of the Year."