

## DISTRICT ATTORNEY'S OFFICE/PUBLIC ADMINISTRATOR'S OFFICE

### I. OFFICE MISSION

The mission of the Contra Costa District Attorney's Office is to seek justice and to enhance public safety for all our residents. We do this by fairly, ethically, aggressively, and efficiently prosecuting those who violate the law, and by working to prevent crime.

### II. MAJOR PROGRAM DESCRIPTIONS

#### A. DISTRICT ATTORNEY

The Contra Costa County District Attorney's Office reviews every police report submitted to us in a county of 1.1 million people. With 19 cities in our jurisdiction we review police reports submitted to us from over 25 law enforcement agencies. We then file and prosecute to conclusion thousands of criminal cases every year. Last year, the office prosecuted over 4,000 felony cases, and over 11,000 misdemeanor cases. We tried over 100 felony trials, and over 160 misdemeanor jury trials. Despite acute budget issues and egregious staffing shortages, we managed to maintain an overall felony conviction rate of 92%, the highest in the Bay Area. The District Attorney's Office is also called upon to investigate and prosecute public corruption, (including last year's extraordinary investigation and prosecution of the CNET corruption.)

#### 1. Mainline Prosecution

**Description:** Attends the courts, and conducts on behalf of the people, all prosecutions for public offenses occurring in Contra Costa County. Mainline Prosecution includes homicide, gang violence, sexual assault, juvenile, general felony, misdemeanor and investigative units.

**Sexual Assault** – prosecutes all sexual assault cases, including violent predators, child molestation, and insanity cases.

**Homicide** - Prosecutes routine murder and death penalty murder cases.

**Gang Violence** – Addresses violent crimes committed by members of criminal street gangs, including homicides, drive-by shootings, and drug sales. This unit is also spearheading the Ceasefire/ lifelines to Healing program in Richmond.

**General Felony** – prosecutes all felonies not assigned to other units. This unit is comprised of the trial team and preliminary hearing team.

**Juvenile** – This unit handles all juvenile prosecutions as well as juvenile crime prevention initiatives. It works very closely with the probation department. This unit is spearheading the countywide Truancy Initiative.

**Misdemeanor** – prosecutes all misdemeanor offenses, including filing of all cases, with the exceptions of domestic violence and juvenile.

## 2. Special Prosecution

**Description:** Addresses specific areas of criminal activity. Many of these units are funded by state or federal grants and special revenue funds. The units within Special Prosecution are listed below.

**Auto Insurance Fraud** – Works with public and private sector agencies to investigate and prosecute individuals who fraudulently enhance or file totally fictitious auto insurance claims in the county.

**Workers' Compensation Fraud** – Investigates and prosecutes individuals who submit false claims for workers' compensation insurance as well as employers who submit false documentation for workers' compensation insurance.

**Environmental Crimes** – Prosecutes violations of state environmental laws including regulations pertaining to hazardous waste and materials, water and air pollution, and provisions of the Fish and Game Code.

**High Tech Crimes** – Prosecutes computer-based crimes such as computer hacking, counterfeit rings, Internet scams, identity theft, and other crimes where there is a need for high technology expertise.

**Real Estate Fraud** – Investigates and prosecutes common real estate fraud crimes such as forging deeds or loan documents, instances of foreclosure fraud, filing false real property documents and committing securities fraud violations.

**Family Violence Assault** – Prosecutes all felony sexual assaults by adults, against adults, and minors.

**Vertical Prosecution Units** – In Vertical Prosecution cases, a prosecutor is assigned to the case from the initial point of referral to the completion of the prosecution. This method results in continuity and improved prosecution success. The following specialized vertical prosecution areas are currently part of the operations of the office: Major Narcotics Vendor, Elder Abuse, Child Abuse, Statutory Rape, and Career Criminal prosecution.

## B. PUBLIC ADMINISTRATOR

The Public Administrator function handles estates where the deceased has no known heirs.

### III. ACCOMPLISHMENTS

#### A. CASES FILED

In 2010, the District Attorney's Office filed more than 4000 felonies and 11,000 misdemeanor cases. The office maintained a felony conviction rate of 92%, the highest in the Bay Area.

#### B. TRIALS

Our office conducted more than 100 felony jury trials and more than 160 misdemeanor jury trials.

#### C. CRIME PREVENTION

##### 1. **Ceasefire – Lifelines to Healing**

The District Attorney's Office is on the verge of a breakthrough with the anti-gang initiative known as "Cease Fire" in the city of Richmond, which was the 9<sup>th</sup> most violent city in the country in 2009. For the first time in this county's history, we're attempting to stem gang violence at its source, before it erupts into shootings and the taking of innocent lives. Gang members will be called into meetings where they will be told of an impending crackdown if the violence continues. This will be done in partnership between law enforcement, community members, clergy, and service providers. Studies have shown Ceasefire to drop the homicide rate a minimum of 20% in other communities across the nation.

##### 2. **West County Gang Violence Coalition**

Our office holds monthly meetings jointly with Richmond Police Department, the Sheriff's Office, and federal authorities to strategize regarding new and on-going anti-violence efforts.

##### 3. **Truancy Initiative**

The District Attorney's Office has partnered with local school districts to increase the average daily rate of attendance at local schools. The following information obtained from the California Department of Education is the State of California and Contra Costa County Truancy Information for 2010-2011:

- 6,163,074 student enrollment
- 29.81% California student truancy rate
- 167,329 Contra Costa County student enrollment
- Contra Costa County truancy rate 32.45%
- **54,292 Contra Costa County students truant (3 unexcused absences) in 2010-2011**

The Contra Costa truancy rate is above the state average. School districts lose more than \$30 each day a student misses school. The loss in funding in Contra Costa was more than \$1.7 million. Thus, a drop in truancy means a recovery of a significant level of state funding for schools.

Addressing this county's truancy crisis will also help alleviate the dropout crisis that threatens to overwhelm this county's social welfare system. We already pay a huge price for dropouts. They're 3.5 times more likely to be arrested, more than 8 times more likely to be in jail, and they comprise more than 50% of our state prison inmates. **It's been projected that a 10% increase in graduation rates here in Contra Costa would reduce murder and assault rates by about 20%. That would prevent 19 murders and 479 aggravated assaults each year in this county.**

#### D. OTHER NOTABLE PROSECUTIONS

We are also called upon to investigate and prosecute public corruption, **(including last year's extraordinary investigation and prosecution of the CNET corruption.)**

### IV. CHALLENGES

#### A. OFFICE CHALLENGES

##### 1. Budget and Staffing

a. **We cannot fully implement our anti-violence efforts in West, East, and Central County without more funding.** We need to devote significant prosecutorial resources to this effort. In prioritizing this program, we hope to achieve a huge payoff in terms of reducing county medical costs. Studies have shown Ceasefire to drop the homicide rate a minimum of 20%.

With just a few more prosecutors, we can provide a much more effective deterrent, and thereby provide our taxpayers with a huge savings by driving down our shooting rates.

b. **We cannot fully implement our Truancy Initiative without more funding.** Keeping kids in school is both a crime prevention strategy as well as a cost savings program.

c. **We cannot effectively prosecute the cases submitted to us, nor investigate the cases we are called upon to handle, without more funding for additional investigators.**

##### d. Case Management System

The office is need of a new case management system to effectively prosecute the thousands of cases we process each year. Efforts are on going to find an effective system. This has taken, and will continue to take significant time and resources.

## B. INTERNAL COUNTY CHALLENGES

### 1. **Budget**

The county has a limited amount of General Purpose revenues (discretionary money). All county departments are worthy of funding. The challenge is to decide how to prioritize spending, that is, what funding level to provide each department. Funding of public safety needs to be a priority for several reasons, including the fact that the failure to adequately fund this area has far-reaching consequences, including public health.

Firearm violence has tragic consequences. The victims suffer physical and mental pain, along with a decreased quality of life. Firearm violence also has massive hidden financial costs, which include medical care, lost productivity and criminal court proceedings. **Each fatal injury costs society an estimated \$6.4 million (ranging \$3.4 to \$9.1 million), and each non-fatal injury costs society an estimated \$46,000 in hospital costs alone.** Using these figures, the cost of the fatal and non-fatal firearm injuries to Contra Costa's youth, just in the next calendar year, will total millions of dollars over time.

**The Association of Bay Area Governments estimates the cost to taxpayers, for just one gunshot victim, to range between \$57,000, to \$856,000, when all costs are considered.** That figure doesn't even include the costs of state prison incarceration. Three percent of all medical expenses in this county are related to violent crime. We lose more than one percent of our annual earnings, in wage losses, from violent crime. Ten to twenty percent of our mental healthcare costs are attributed to crime, while 80% of gunshot victims end up on public assistance, and uninsured, costing this County millions of dollars annually.

### 2. **Realignment**

As of October 2011 the sentencing and punishment structure for the entire state of California was drastically changed. As of that date, most individuals convicted of felonies will now be housed locally. This will be a dramatic drain on county public safety services, including the probation department, the Sheriff's Office and our office. We continue to work closely with our Community Corrections Partnership group to meet these challenges. These discussions and meetings themselves entail a great deal of time and effort.

Additionally, significant resources are required to address these changes, including more victim witness personnel to speak with victim; more prosecutors to handle parole revocations; additional prosecutions because of these individuals now serving less custody time; and training of prosecutors regarding new sentencing alternatives.

## C. EXTERNAL CHALLENGES

### 1. **Stubborn West County Violent Crime Rate**

Our levels of violent crime pose a clear and present danger to Contra Costa's citizens. In 2010, the most recent year for which homicide statistics were compiled on a statewide basis, we **suffered from the third highest homicide rate, per capita, in California counties with a population more than 1 million. We're plagued by an inordinate amount of shootings per capita. This is not a mere public safety issue. It's a public health crisis.**

### 2. **Increasing Gang Activity in East County and Central County.**

We would like to begin efforts to tackle increasing gang activity in the east end of the county (Antioch specifically) and Central area of the county (Concord specifically). This requires additional funding.

### 3. **Salaries**

Despite the economic downturn we continue to experience a "brain drain" of some of our most talented prosecutors to other counties. We have utilized a "Contract" system over the last several decades whereby our new attorneys are given a fixed salary for three years, and then a final decision is made whether to hire those individuals. This system has saved the county hundreds of thousands of dollars. Unfortunately, however, it also means that after we have trained these young prosecutors for three years, they move to other offices for higher pay.

Additionally, we are experiencing longer serving prosecutors leaving our office for better compensation. It is absolutely essential that the salaries of all of our prosecutors be increased to be more competitive. Otherwise, we will simply be the "training ground" for other prosecuting agencies; we will lose our very best, most experienced prosecutors; and our prosecution efforts discussed above will suffer.

## V. PERFORMANCE INDICATORS

Criminal Trials fiscal year 2009-2010 Judicial Council of California

County	Felony Trials	Misdemeanor Trials	Total	Rank
Alameda	113	102	215	3
Contra Costa	125	173	298	1
Marin	19	68	87	6
Napa	8	13	21	9
San Francisco	189	102	291	2
San Mateo	41	40	81	7
Santa Clara	129	74	203	4
Solano	80	33	113	5
Sonoma	53	22	75	8

For More information on the District Attorney's office, please visit:

<http://www.co.contra-costa.ca.us/index.aspx?nid=203>