

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

## I. OFFICE MISSION

The District Attorney's Office's mission 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 District Attorney's Office reviews every police report submitted to us in this county of 1.1 million residents. With 19 cities in our jurisdiction, we review police reports submitted to us from over 25 law enforcement agencies. We file and prosecute thousands of criminal cases every year. Last year, our office prosecuted over 3,600 felony cases and over 7,000 misdemeanor cases. We tried 98 felony trials and over 184 misdemeanor jury trials. Despite acute budget issues and recurring manpower 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 to prosecute public corruption, and to enforce environmental and consumer protection laws both civilly and criminally.

#### 1. Mainline Prosecution

**Description:** We attend to the courts, and we conduct on behalf of the People of the State of California, all prosecutions for public offenses occurring within Contra Costa County. Mainline Prosecution includes our Homicide, Gang Violence, Sexual Assault, Domestic Violence, Major Narcotics, Juvenile, General Felony, Misdemeanor, and Investigative Units.

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

**Gang Violence** – Addresses violent crimes committed by members of criminal street gangs, including homicides, drive-by shootings, and illegal narcotic sales. This unit also spearheads our Ceasefire/ Lifelines to Healing program in Richmond.

**Sexual Assault** – Prosecutes all sexual assaults, including forcible rapes, sexually violent predators, child molestations, and mental health cases.

**Domestic Violence** – Prosecutes all domestic violence and elder abuse crimes.

**Major Narcotics** – Prosecutes all major drug dealers, clandestine lab cases, and criminal narcotics conspiracies.

**General Felony** – Our Felony Trial Team prosecutes general felonies, such as attempted murders, kidnappings, robberies, felonious assaults, auto thefts and other property crimes, felony DUI's, and lower level narcotics crimes. Our Felony Preliminary Hearing Teams, our Law & Motion Unit, and our Calendar Unit assist our prosecution efforts by conducting the pretrial and post-trial litigation necessary to bring criminals to justice, to effectuate victims' rights, and to protect public safety by ensuring that those felony offenders eventually released back into our community continue to obey the law.

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

**Misdemeanor** – Prosecutes all adult misdemeanor offenders. Most of these crimes are DUI's or non-felonious domestic violence cases.

**Investigative Unit** – Assists all of our prosecutorial and civil enforcement efforts by conducting additional post-filing investigation, when necessary, subpoenaing witnesses, and by providing specialized investigative and logistical assistance to our prosecutors. Spearheads our countywide Officer Involved Shootings' Protocol efforts. Some of our investigators bring their specialized knowledge to pre-filing investigations, especially in our Special Operations Unit. Our investigators also serve on select joint state and/or federal taskforces, such as the multi-jurisdictional taskforce that we formed to investigate and to prosecute the CNET scandal.

**Victim Witness** – Our Victim Witness advocates work closely with our prosecutors, in order to vindicate victims' rights. They provide support services for our victims and witnesses; they help us to obtain victim restitution; and they assist us in implementing Marsy's Law while we work to afford our victims the constitutional protections that our state charter guarantees.

## **2. Special Prosecutions**

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

**Consumer Protection Unit** – Works with public and private sector agencies to investigate and prosecute a wide range of unlawful business practices. Seeks and obtains injunctive relief, monetary damages, and other criminal and civil relief to benefit consumers who've been victimized.

**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.

**Vertical Prosecution Units** – In Vertical Prosecution cases, a prosecutor is assigned to the case from the initial point of referral to the prosecution's completion. This method results in continuity and improved prosecution success. The following specialized vertical prosecution areas are currently part of the operations of the office: Homicide, Gang Violence, Sexual Assault, Domestic Violence, Elder Abuse, Major Narcotics, Auto Insurance Fraud, Workers Compensation, Environmental Crimes, High Tech Crimes, and Real Estate Fraud.

## **B. PUBLIC ADMINISTRATOR**

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

## **III. ACCOMPLISHMENTS**

### **A. CASES FILED**

In 2012, the District Attorney's Office filed more than 3,600 felonies and 7,000 misdemeanor cases. Our office maintained a felony conviction rate in excess of 90%, the highest in the Bay Area.

### **B. TRIALS**

Our office conducted 98 felony jury trials and 184 misdemeanor jury trials last year.

## **C. CRIME PREVENTION**

### **1. Ceasefire**

The District Attorney's Office continues to be very involved with the anti-gang initiative known as "Ceasefire" in the city of Richmond. We're attempting to stem gang violence at its source, before it erupts into shootings and the taking of innocent lives. We held several "call-ins" where gang members are called into meetings and were told of an impending crackdown if the violence continues. This was done in partnership between law enforcement, community members, clergy, and service providers. Studies have shown, in other communities across the nation, that Ceasefire drops the homicide rate a minimum of 20%.

The first Richmond call-ins were held in March 2012 and Richmond saw a drop of more than 50% in its homicide rate in the subsequent 12 months, and only 1 homicide in the last 3 months, from December 1, 2012 to March 1, 2013. The District Attorney's Office continues to work closely with the West County Community to keep this momentum going in a positive direction.

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

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

### **3. Anti-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 (the most recent year for which statistics are available):

- 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 is 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.**

Our Anti-Truancy efforts include letters to students and parents, meeting with school truancy officials, participation in SARB meetings, attending school assemblies when requested, and prosecution of parents when necessary. We have also encouraged cities to pass daytime curfew ordinances to combat truancy.

#### **D. OTHER NOTABLE PROSECUTIONS**

We are also called upon to investigate and to prosecute public corruption, such as our earlier joint federal / state taskforce that investigated allegations of police misconduct at CNET.

### **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 maintaining appropriate staffing levels.** 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%.
- b. We will only be able to implement fully our Truancy Initiative by maintaining appropriate staffing levels.** 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 maintaining our current level of funding for additional investigators.**

#### **d. Case Management System**

The office is in need of a new case management system to effectively prosecute the thousands of cases we process each year. Efforts are ongoing 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 discretionary General Purpose revenues at its disposal. All county departments are worthy of funding. The challenge is to decide how to prioritize spending, i.e., 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 increased health costs, incarceration costs, etc..

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**

In October 2011, the Legislature drastically changed the sentencing and punishment structure for our entire state. Most individuals convicted of felonies will now be housed locally, instead of being sent to state prison. This has caused 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.

Beginning on July 1, 2013, the Board of Parole Hearings will shift responsibility for the parole revocation process directly onto our office. This will require us to conduct all of the investigations and evidentiary hearings that the State of California currently handles for CDCR parolees.

If the District Attorney's Office does not receive funding from the CCP Budget to handle all of these additional responsibilities, money will need to come from the General Fund to pay for these services.

### **3. Superior Court Reorganization**

The Contra Costa Superior Court recently ceased its felony and misdemeanor operations at the Walnut Creek Courthouse. In response to its own budget cuts, our superior court radically altered its procedure for trying felony and misdemeanor cases. Instead of trying all felonies at our county seat in Martinez, the court now tries felony cases in Pittsburg, in Martinez, and in Richmond. Our superior court's reorganization has seriously disrupted our procedures for prosecuting both felonies and misdemeanors, both at the pretrial level and at trial.

This has strained our own felony prosecution efforts considerably. Our Felony Trial Team, our DV Unit, and our Major Narcotics Unit is now responsible for covering felony trials at three geographic locations, instead of at just one. The unpredictable and sometimes chaotic nature in which our superior court calendars and then assigns out both preliminary hearings and trials has impaired our ability to bring accused criminals to justice. It has forced us to cover a whole new host of calendars and criminal hearings, and it has impaired our ability to bring both felony and misdemeanor cases to trial.

## **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. The good news is that the number of shootings has been decreasing the past two years.

## 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

We continue to suffer from the loss 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 regarding whether to hire them permanently. This system has saved our county hundreds of thousands of dollars. Unfortunately, after having trained these young prosecutors for three years or more, a substantial number of them leave our employ, for other offices that offer higher pay.

We are also dealing with the problem of even more experienced prosecutors who leave our office for better compensation. It is absolutely essential that all of our prosecutors' salaries be increased, so that we can remain competitive with our neighboring counties. Otherwise, we'll continue to serve as a training ground for other prosecuting agencies. Without action rendering our salaries more competitive, we'll continue to lose our very best, most experienced prosecutors, and our efforts to protect our community and to obtain justice will suffer.

## V. PERFORMANCE INDICATORS

### Criminal Trials (Fiscal Year 2010 - 2011), per the Judicial Council of California

County	Felony Trials	Misdemeanor Trials	Total	Rank
Alameda	66	129	195	4
<b>Contra Costa</b>	<b>104</b>	<b>150</b>	<b>254</b>	<b>2</b>
Marin	15	57	72	7
Napa	16	17	33	9
San Francisco	180	82	262	1
San Mateo	34	33	67	8
Santa Clara	130	89	219	3
Solano	86	33	119	6
Sonoma	56	87	143	5