

## **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. In 2014, our office prosecuted over 4,100 felony cases and over 7,900 misdemeanor cases. We conducted 133 felony trials (Highest number in at least 7 years) and 189 misdemeanor jury trials. Despite the high numbers of case and heavy workload, we managed to maintain an overall felony conviction rate of 80%, one of 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.

**Public Corruption** – Investigators and prosecutors investigate allegations of public official malfeasance in office, and/or Brown Act 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 2014, the District Attorney's Office filed more than 4,100 felonies and 7,900 misdemeanor cases. Our office maintained a felony conviction rate in excess of 80%, one of the highest in the Bay Area.

### **B. TRIALS**

Our office conducted 133 felony jury trials (Highest number in at least 7 years) and 189 misdemeanor jury trials last year.

### **C. CRIME PREVENTION**

The District Attorney's Office continues to implement new crime prevention initiatives.

#### **(1) West County Anti-Violence Coalition**

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

#### 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 hold "call-ins" where gang members are called into meetings and were told of an impending crackdown if the violence

continues. This is done in partnership between law enforcement, community members, clergy, and service providers.

The District Attorney's Office continues to work closely with the west county community to keep this momentum going in a positive direction. From a high of 47 murders in 2009, the number of homicides in the city of Richmond has been reduced to 14 in 2014. This is the lowest homicide rate in three decades, and is a remarkable improvement for that community.

## **(2) East County Anti-Violence Coalition**

Our office holds quarterly meetings jointly with the Pittsburg Police Department, the Antioch Police Department, the Brentwood Police Department, the Oakley Police Department, the Sheriff's Office, the Probation Department, and several federal agencies to strategize regarding new and on-going anti-violence efforts.

## **(3) Safe Streets Task Force**

In collaboration with the FBI, our office has formulated a county-wide task force to fight violent crime on county-wide basis. The task force includes several FBI agents, 2 investigators from the District Attorney's Office, and officers from the Pittsburg Police Department, Antioch Police Department, Richmond Police Department, and the Sheriff's Office. This task force will operate throughout the county in innovative ways to reduce violent crime.

## **(4) Anti-Truancy Initiative**

Since January 2011 our office has focused on preventing crime by trying to help kids stay in school. This program focuses on increasing school attendance by sending letters to truant student, and their parents, and meeting with those individuals. We employ a half-time Deputy District Attorney whose responsibility it is to work with schools in the county to teach classes on bullying, gun violence, drug abuse, and gang intervention. Over the last year, she has taught this curriculum to over 700 middle school students in East County and is expanding this program to West County in the spring.

Additionally, she is an active participant on the Student Attendance Review Board panels in several districts including San Ramon, Acalanes, Pittsburg, Mount Diablo and the newly formed County "SARB" panel which serves the charter schools. Our office also partners with community based organizations such as the Jr. Achievement Group (the largest national organization dedicated to helping students plan for academic and economic success), the Youth Intervention Network in Antioch, and Kops for Kids, to further serve Contra Costa County's youth. In a coordinated effort with Jr. Achievement, over 20 prosecutors from our office have participated in Law Enforcement Career Days at Pinole Valley High School, Deer Valley High School, and several middle schools in Antioch.

We have established a partnership with the Youth Intervention Network ("YIN"), a community organization based in Antioch that had tremendous success in curbing truancy in the San Francisco School District, to devise a pilot program in one of our county's largest districts to combat chronic absenteeism; this program would allow us to assess the factors contributing to chronic absenteeism and provide the appropriate resources. If we are successful in curbing the rate of chronic absenteeism in our pilot district, we will implement this model throughout the county.

Finally, we are working closely with Judge Rebecca Hardie and Judge John Laettner to establish a Parent Truancy Court, modeled after that which has been successful in Alameda County, to compel the attendance of elementary school students throughout Contra Costa County.

#### **(5) Gun Buy Back Program**

Our office led a county-wide gun buyback program in 2013. We raised approximately \$100,000 from private and public sources to buy back weapons off the streets. The gun buyback was conducted on one day in several different geographic locations around the county. Over 500 weapons were removed from the streets.

In partnership with Pittsburg Police Department our office conducted another gun buyback in the summer of 2014, and we removed 200 guns from the streets.

#### **(6) Human Trafficking Awareness Campaign**

Our office sponsored a Human-trafficking Awareness campaign in 2014 and again in February 2015. This included addressing the Board of Supervisors on this issue, and conducting training on this topic for law enforcement. We also placed public notices in busses, bus shelters, Bart Stations and on billboards throughout the county.

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

We are also called upon to investigate and to prosecute public corruption, including prosecution of police officers for criminal acts.

## **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. As we noted, homicides in the city of Richmond are at a three decade low, and we need to keep this momentum going..

**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. We are scheduled to “go live” on a new case management program this May.

### **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 are now 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.

It continues to be the case that 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.

## C. EXTERNAL CHALLENGES

### 1. 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 2012 - 2013), per the Judicial Council of California

County	Total Trials	Felony Trials	Misdemeanor Trials	Rank
<b>Contra Costa</b>	<b>307</b>	<b>99</b>	<b>208</b>	<b>1</b>
San Francisco	269	142	127	2
Santa Clara	235	147	88	3
Solano	140	66	74	4
Sonoma	92	51	41	5
Alameda	90*	90	*Unknown	6
San Mateo	89	53	36	7
Marin	37	7	30	8
Napa	32	12	20	9