

DISTRICT ATTORNEY'S OFFICE

I. OFFICE MISSION

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

II. MAJOR PROGRAM DESCRIPTIONS

The District Attorney is by state law the public prosecutor responsible for the prosecution of criminal violations of state law and county ordinances. The District Attorney is committed to protecting public's safety and providing assistance to those harmed by violence. The District Attorney continues to find ways to modernize the Office and focus on the community's needs to ensure Contra Costa County remains a safe and welcoming place to live and work.

The District Attorney's Office reviews every police report submitted to the Office in this county of 1.1 million residents. With 19 cities in the jurisdiction, the DA's Office reviews police reports submitted from over 25 law enforcement agencies. The DA's Office files and prosecutes thousands of criminal cases every year. 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

The Mainline Prosecution divisions are responsible for reviewing, filing and prosecuting, on behalf of the people, all public offenses occurring in Contra Costa County. The divisions include specialized teams that address homicide, community violence, interpersonal violence, human trafficking, general felony, misdemeanor prosecution and juvenile delinquency.

2. Special Prosecution

Our Special Prosecutions Unit addresses specific areas of criminal activity. Funding for many of the units comes from state or federal grants and special revenue funds. The units within Special Prosecution are:

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

Consumer Protection Unit – Investigates and prosecutes unfair and unlawful business practices. The Consumer Protection Unit receives and reviews consumer complaints from the general public and other governmental agencies and seeks to redress violations of consumer protection laws.

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.

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.

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.

Family Violence Unit – Incorporates several distinct vertical prosecution units: Sexual Assault, which prosecutes all felony sexual assaults against adults and children and all child abuse cases; Elder Abuse, which prosecutes both financial and physical elder abuse cases; and Domestic Violence.

Vertical Prosecution Units – For 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: Homicide, Gangs, Human Trafficking, Family Violence Unit and Special Operations Units.

3. Investigations Bureau

The Investigations Bureau is responsible for facilitating the prosecution of offenses within the District Attorney's jurisdiction. In this capacity, Senior Inspectors assist in case follow up, locating and interviewing suspects and witnesses, investigate law enforcement involved fatal incidents (LEIFI), author search warrant affidavits, serves search warrants, conducts surveillance, and testify as witnesses in criminal and civil cases.

4. Administration

The Administration Unit is responsible for operations, fiscal, personnel, procurement, facilities management, information technology, and resource development related to the department.

5. Victim Witness Assistance

The Victim Witness Assistance Program provides constitutionally and statutorily mandated services to empower victims of crime through advocacy and support. Advocates give a voice to victims in the criminal justice system at all stages of the court proceedings. They provide crisis intervention, orientation to the criminal justice system and pursue restitution on behalf of victims and the Victims Compensation Fund.

III. ACCOMPLISHMENTS

1. Cases Filed

In 2022, the Office prosecuted over 3,000 felony cases and over 4,600 misdemeanor cases.

2. Trials

In 2022, the Office conducted 74 felony trials and 118 misdemeanor jury trials.

3. Innovations and Alternatives to Prosecution

a. Conviction Integrity

The District Attorney's Office established the first ever Conviction Integrity Unit ("CIU") in Contra Costa County in early 2019. The unit investigates claims of actual innocence based on new evidence. The unit also reviews cases where there is evidence of a significant integrity issue. The CIU assists in reviewing and developing practices and policies related to training, case assessment, investigations, and disclosure obligations with the goal of preventing wrongful convictions in the first place. The unit is also responsible for conviction integrity case review when evidence of officer misconduct arises in addition to petitions submitted for re-sentencing in accordance with newly enacted legislation.

b. Neighborhood Restorative Justice Partnership (NRP)

To provide smart and safe alternatives for low level non-violent misdemeanors, in February 2022, the District Attorney's Office launched the Neighborhood Restorative Justice Partnership. In lieu of filing criminal charges, this community-based pre-charging diversion program uses a restorative justice lens to resolve low-level misdemeanors and quality of life crimes. Adjudicators – comprised primarily of residents who live and work in the community where the incident occurred – hear the case and create plans that enable the participant to address harms caused to the community and parties affected by the incident. Inclusive of the victim, wrongdoer, and community, NRP reduces the number of cases formally charged and prosecuted, saving both time and money for the courts and impacted county agencies. By keeping low-level non-violent offenders out of the criminal justice system, and keeping convictions off their record, this program aids in preventing obstacles to obtaining employment, education, housing, and meaningful participation in the community.

c. Youth Restorative Justice Diversion Program

The District Attorney's Office was awarded a million dollars for establishing a restorative justice diversion program for youth in Contra Costa County, to redirect them from the criminal justice system and to reduce the school to prison pipeline. The department is also in the process of receiving another million dollars from the US Office of Juvenile Justice and Delinquency Prevention for a post-arrest, pre-charge diversion program serving transitional aged youth from 18 to 24 years old.

d. Mental Health Diversion

In the fall of 2018, new legislation, Penal Code section 1001.36, created Mental Health Diversion, a discretionary pre-trial diversion procedure. Recognizing that those with mental illness need treatment to reduce the cycle of recidivism and incarceration and its impact on the criminal justice system, the workload has increased as the courts thoroughly evaluate, structure treatment, and ultimately divert defendants into this program.

e. Hate Crime Prosecution

The District Attorney's Office established a Hate Crimes Review Team to combat the rise in hate crimes. At the outset of the case, the Hate Crimes Review Team analyses the dynamics of the incident in conjunction with applicable statutes and case interpretation to determine the

appropriate charging of the case. In addition to team review of potential hate crime charges, the Hate Crimes Committee participates in outreach and training to educate law enforcement and the community regarding hate incidents and hate crimes.

f. Human Trafficking Unit

The Human Trafficking Unit's mission is to develop an effective and comprehensive approach to all forms of human trafficking, including sex and labor trafficking of minors and adults. The unit works to support victims and hold offenders accountable, using education, community involvement, and legal tools.

In 2019, the Office co-founded the Contra Costa Human Trafficking Task Force, a collaborative, multidisciplinary body which brings partners from law enforcement, community-based organizations, and government at the local, state, and federal levels to combat all forms of human trafficking through proactive approaches to identifying and serving victims, investigating and prosecuting traffickers, and preventing human trafficking through education and outreach. District Attorney Becton has led strategic planning efforts within the Task Force, participated in the Human Trafficking Community Forum in Richmond, and led human trafficking training efforts with the Contra Costa County chiefs of police.

Since 2014, the office has sponsored an annual Human Trafficking Awareness and Prevention campaign in January. This year, events included training to law enforcement and community members on human trafficking, a day of community action and canvassing in central county, and sponsoring or co-sponsoring proclamations with the Board of Supervisors and local cities.

g. Workplace Justice Unit

In 2022, the DA's Office established a Workplace Justice Unit in Contra Costa County which is committed to a fair and equitable workplace for everyone. In conjunction with the development of the Unit, the District Attorney's Office entered into a formal partnership with the US Department of Labor (DOL) to facilitate case investigation and prosecution. In accordance with this partnership, the District Attorney's Office and the DOL agree to conduct joint community outreach presentations to inform the public about wage theft and how to report it. The DA's Office will also create a Labor Advisory Council for information sharing and training with the Department of Labor. That information will be used to investigate wage theft violations and prosecute those violations in court.

h. Prosecutor Initiated Resentencing Pilot Program

In 2022, the District Attorney's Office was awarded \$1 million to participate in the California County Resentencing Pilot Program. Codified by the state legislature, Prosecutor Initiated Resentencing is the mean by which the DA's office reviews original sentences to determine if they're still in the interest of justice and align with our community values today. District Attorney, Public Defender and community-based organizations work together to evaluate the cases and rehabilitation of individuals serving excessive prison sentences, and to assist them with reentering the community when in the interest of justice.

i. Cold Cases Unit

Advances in technologies have substantially increased the successful DNA analysis of aged,

degraded, limited, or otherwise compromised biological evidence. The DA's office has established a Cold Case Unit that allow us to be at the forefront of examining unsolved homicide and sexual assault cases. The Unit blends forensic evidence with traditional investigative methods to prosecute previously unsolved violent crimes to bring closure to communities and justice to impacted families.

4. CRIME PREVENTION

The District Attorney's Office continues to implement new crime prevention initiatives. The most significant of these is an emphasis on focused deterrence. This approach to crime prevention requires identifying the relatively few criminals who are responsible for most crimes in a community. The Office focuses resources on them to try to stop the criminal behavior. This may entail prosecution, or offering services, or a combination of both. The goal is to focus on the real problem people, not attacking the perceived problem with an inaccurate, and counter-productive "broad brush" approach. The following programs are part of the District Attorney's focused deterrence efforts.

a. Safe Streets Task Force

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

b. Anti-Truancy Initiative

The District Attorney's Office has focused on preventing crime by trying to help youth stay in school. The Anti-Truancy Initiative focuses on increasing school attendance by working collaboratively with truant students, their parents, and school officials. A 0.5 FTE Deputy District Attorney is responsible for working with schools in the county to teach classes on bullying, gun violence, drug abuse, and gang intervention.

The Office also collaborates with community-based organizations such as the Jr. Achievement Group, the Youth Intervention Network in Antioch, and Kops for Kids. Over 20 prosecutors from the District Attorney's Office have participated in Law Enforcement Career Days at Pinole Valley and Deer Valley High Schools, and several middle schools in Antioch.

The Office launched the Parent Truancy Calendar, in partnership with the Superior Court and school districts, to combat chronic absenteeism among elementary and middle school students. The court proceedings place great emphasis on the parents' legal obligation to ensure that their young children attend school daily. This holistic approach addresses the barriers that have led to chronic absenteeism.

c. Bail Reform

In March 2021, the California Supreme Court ruled in the Humphrey decision that judges in the state are consider less restrictive alternatives to bail where a defendant does not pose a substantial public safety risk. Humphrey requires consideration of nonmonetary alternatives to money bail. A shift from conventional bail for criminal offenses, the ruling compels judges to consider less restrictive alternatives such as electronic monitoring, curfew, health services and

substance abuse treatment. The District Attorney's Office has absorbed a significant increase in workload to prepare for and attend these hearings to ensure that appropriate safeguards are imposed. Additionally, the office has increased victim witness support services associated with the hearings.

d. Proposition 64

In November 2016, the voters passed Proposition 64, the Medicinal and Adult-Use Cannabis Regulation and Safety Act. The Act legalizes use of cannabis and enables individuals to have prior marijuana convictions dismissed and the records sealed. There will be a significant increase in workload as the District Attorney's Office establishes a protocol with the court and the defense bar for review, filing and granting of petitions.

In January 2020, the District Attorney's Office partnered with Code for America to proactively dismiss and seal 3,264 marijuana convictions eligible for relief under Proposition 64. The Office used Code for America's Clear My Record technology, which reads bulk criminal history data and securely and accurately analyzes eligibility for thousands of convictions in seconds. This partnership helps address wrongs caused by the failed war on drugs, felt mostly by communities of color.

IV. CHALLENGES

1. Budget and Staffing

- a. The District Attorney continues to face the challenge of inadequate staffing to maintain the ability to prosecute the full spectrum of criminal offenses, provide innovative and alternatives to prosecution programs, and work on crime prevention initiatives.
- b. Approximately 90% of the department's budget is allocated to salaries and benefits, therefore, reductions to the budget result in reductions to services and programs.
- c. The Department will need to add additional attorneys to respond to the demands placed on the department by newly engaged state legislation which apply retroactively to closed cases. Traditionally, CCCDAO is responsible for the review of greater than 10,000 police investigations and the prosecution of 6,000 criminal offenses. This caseload, predicated upon an offense being committed, investigated, and subsequently charged, is "*static prosecution*" which generally holds consistent year to year.

Newly engaged California Legislation has created a need for "*responsive prosecution*" which significantly augmented the demands placed on the District Attorney's Office. AB 256 (Racial Justice Act for All) and SB 775 (Expanded Felony Murder Petitions) are two bills which apply retroactively to closed cases. These new laws require CCCDAO to analyze, prepare, and relitigate prior convictions under new legal standards.

1) AB 256 – Racial Justice Act for All (PC 745)

The original California Racial Justice Act (2542) prohibits the state from obtaining a criminal conviction or sentence, influenced by racial bias. The first iteration of the RJA was prospective, applying to newly charged cases. AB 256 modified the RJA, establishing phased-in retroactivity for every convicted felon to challenge their conviction or sentence for bias. AB 256 substantially augments the demands upon the CCCDAO and necessitates the

need for additional experienced attorneys.

2) SB 775 – Expanded Felony Murder Petitions (PC 1170.6)

The original felony murder bill SB1437, applied to those charged with murder who participated in an enumerated crime but were not directly involved in the killing. New legislation has significantly broadened the scope of the law and its retroactivity. Under SB 775, individuals previously convicted of voluntary manslaughter or attempted murder are now eligible to petition for resentencing, including those who engaged in a plea bargain to settle their case without a trial. In accordance with SB 775, the CCCDAO must now litigate and prove these settled cases to the same legal standard as had they gone to trial.

2. Recruitment and Retention

The Office continues 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.

To improve our recruitment and retention efforts, the department has been working closely with the County Administrator's Office and the Human Resources Department to implement a new series of classifications for the Deputy District Attorneys. The department will also launch a national recruitment outreach program to attract talents into its various divisions and units.

3. Case Management System

The Office is utilizing a relatively new case management system. As with any case management system, there continue to be challenges associated with implementation. Office staff needed to learn how to operate under the new system, which has taken a great deal of time and effort. Additionally, there is a great deal more data entry/scanning work, with the end goal of working more efficiently and electronically. The Department aims to continue to expand and refine the new CMS to better meet the needs of the Department. This will allow the Department to take a data driven approach to caseload management, workload distribution, and quality assurance.

4. Office Space

The District Attorney's office located at 10 Douglas Dr., Martinez currently provides service to both Martinez Court and Pittsburg Court. 10 Douglas is the busiest and most crowded branch of all of the DA's offices and has reached its capacity to house attorney and clerical staff. In addition, staff must drive back and forth between 10 Douglas Martinez and Pittsburg Court which is both time consuming and cost ineffective especially during traffic hours. Police Officers from all the cities in East County also need to drive to 10 Douglas Martinez to file reports, which is again very time consuming, inconvenient, and costly for our law enforcement partner agencies.

To provide better proximity to East County customers and law enforcement partner agencies, it is the goal of the District Attorney's Office to identify a new lease in East County proximate to the Pittsburg Superior Court to relocate 20 staff members from the District Attorney's Office in Martinez, as recommended by the County's Facilities Master Plan.

5. Training

The District Attorney's Office engaged in an officewide "strategic planning conversation" when District Attorney Diana Becton was first appointed. The effort revealed a significant need for increased training for all employees (clerical, attorney, victim witness, and management). The Office has established a training oversight committee for the attorneys that coordinates comprehensive training programs for the entire office. It is the goal of the District Attorney's Office to continue providing trainings to advance racial equity and social justice.

V. PERFORMANCE MEASUREMENTS

1. Performance Measure: Number of Felony Trials conducted annually.				
This performance measure tracks the number of felony cases tried to jury. These cases originate from mainline prosecution divisions as well as special operations unit.				
	2021	2022	2023	2024
Target	75	75	75	75
Actual	80	74	N/A	N/A
Notes: No jury trials were conducted in January and February 2021 due to COVID restrictions and court limitations.				

2. Performance Measure: Number of Felony Cases Filed Annually.				
Following a request for prosecution, this performance measure tracks the number of felony complaints filed by the District Attorney's Office which is the initiation of criminal proceedings with the court.				
	2021	2022	2023	2024
Target	3,000	3,000	3,000	3,000
Actual	3,090	3,008	N/A	N/A

3. Performance Measure: Number of Human Trafficking Cases Prosecuted Annually				
Human Trafficking is comprised of cases which involve a crime of sexual exploitation, labor exploitation, or both.				
	2021	2022	2023	2024
Target	10	14	18	22
Actual	13	16	N/A	N/A
Notes: In 2023, the District Attorney's Office expanded Human Trafficking prosecution with the development of the Workplace Justice Unit.				

4. Performance Measure: Number of Cases Approved for Prosecutor Initiated Resentencing				
This measure tracks the cases in which the District Attorney's Office resentenced individuals under specific criteria where the original sentence is no longer in the interest of justice.				
	2021	2022	2023	2024
Target	N/A	8	12	14
Actual	3	9	N/A	N/A
Notes: The first resentencing case in the County was in September 2021, as such there was no target number for 2021. Each case is given extensive committee review to include social history, case specific facts, rehabilitative efforts, custodial programming, and victim impact in order to ensure that any adjustment is in the interest of justice.				